

CA2ΦN
EAB
-H26



3 1761 11652129 5



ENVIRONMENTAL ASSESSMENT BOARD

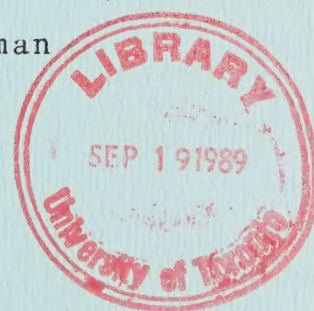
VOLUME: 133

DATE: Monday, September 11th, 1989

BEFORE: M.I. JEFFREY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

FARR &
ASSOCIATES
REPORTING INC.

(416) **482-3277**

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
MANAGEMENT ON CROWN LANDS IN ONTARIO

TIMBER

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Monday, September 11th,
1989, commencing at 1:00 p.m.


VOLUME 133

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116521295>

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS
	OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL
	FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM
	ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS &
	ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF
	FORESTRY (CENTRAL
	ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN
	DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY
	ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON
	WATCHDOG SOCIETY

(iii)

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>BRUCE ADAMSON,</u> <u>SERGE TENAGLIA,</u> <u>NEVILLE WARD,</u> <u>GORDON PYZER,</u> <u>DAVID M. HOGG, Resumed</u>	22563
Continued Cross-Examination by Mr. Hanna	22563

(v)

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
807	Article entitled: Economics Applications, Ontario Lake of the Woods Fishery: Economic and Social Analysis, by A.J. Usher.	22649
808	Article entitled: Rationale for forest reserves around lakes, published in Lake Line, Vol. 3(2).	22660
809	Copy of letter to Ms. Judy Taggart, Editor, Lake Line from J.E. Hanna, dated October 14, 1983.	22661

1 ---Upon commencing at 1:10 p.m.

2 THE CHAIRMAN: Good afternoon. Be seated, please.

3 Mr. Cassidy, I understand you have something to
4 speak to us about?

5 MR. CASSIDY: Yes. Thank you, Mr. Chairman.

6 I intend to be brief. Again, I am appearing
7 before you asking for clarifications and actually this
8 morning -- or this afternoon I appear for the purpose of asking
9 for a Board direction with respect to the service of my client's
10 witness statements. We are now getting to the stage where we
11 need some direction from the Board in terms of actual dates.

12 If I could commence my comments this morning by
13 just referring you to the Board's order dated September 16th,
14 1988, and I can just deal very quickly with the particular
15 section which is relevant to this subject matter and; that is,
16 Section 5 subsection (a) which states that:

17 "The OFIA/OLMA shall distribute all of
18 its witness statements to the Board and
19 parties receiving full-time
20 correspondence prior to the completion of
21 MNR's case, with the OFIA/OLMA's first
22 witness panel's statement having been
23 delivered at least 60 days prior to the
24 completion of MNR's case."

25 That requires us to have the need to come before

1 MNR's case, with the OFIA/OLMA's first
2 witness panel's statement having been
3 delivered at least 60 days prior to the
4 completion of MNR's case."

5 That requires us to have the need to come
6 before you today to ask for some firm dates given the
7 logistics involved with serving over 30 full-time
8 parties and a number of other individuals in respect of
9 our evidence.

10 I am asking for specific dates and a
11 direction in that regard and I have a proposal to make,
12 Mr. Chairman, for your consideration. It is made in
13 light of the discussions that I have had with MNR and
14 in light of the submissions made by Mr. Freidin some
15 time ago, I believe it was on August 22nd, when he
16 estimated that the MNR's case would finish at
17 approximately November 15th, whereupon you indicated
18 that OFIA/OLMA case would not commence earlier than
19 January 9th, 1990.

20 In a subsequent discussion I've had today
21 with Mr. Freidin it appears that there may be some
22 doubt about the November 15th date being met in terms
23 of the completion of the MNR's case, however, I think
24 that still is in a ballpark area and, for the
25 following -- for that reason, I would like to make the

1 following proposal in order that we might obtain direct
2 dates.

3 First of all, if you could order that my
4 clients provide all of our witness statements to the
5 other parties no later than December 1, 1989 - that's a
6 Friday - with the further order pursuant to the spirit
7 of Section 5 subsection (a) that the OFIA's first two
8 witness statements be filed by the OFIA/OLMA and served
9 on the other parties no later than Monday, October 2nd,
10 1989 which preserves the 60-day period, accounts for
11 any possible change in the length of time it might take
12 to complete MNR's case and also, I believe, would
13 provide the parties with, if we start our evidence on
14 January 9th, as we hoped we do, with over three months'
15 notice of the first two panels.

16 You may be asking why I am proposing the
17 first two when the Board's original order was only one.
18 The reason for that is that the evidence is very
19 related with our first two panels and we feel that it
20 would make sense for not only the presentation of our
21 evidence but the understanding of it by the Board and
22 the other parties if those two panels were served
23 together, and for that reason we propose to do that.

24 The remainder of the OFIA/OLMA witness
25 statements will, of course, be served from October 2nd

1 through to December 1, 1989.

2 If I could request those directions and
3 subject to any comments any of the other parties make,
4 it appears to me there would be no prejudice to the
5 other parties, but it would greatly help us in the
6 logistical planning of our evidence.

7 THE CHAIRMAN: Thank you, Mr. Cassidy.

8 Well, some of the considerations --
9 before we give some definite dates, we would first of
10 all like to hear from the other parties but, secondly,
11 some of the considerations will revolve around the
12 availability of Dean Baskerville and when we are going
13 to actually entertain his evidence.

14 The Board hasn't had any further
15 conversations with Mr. Turkstra as to the precise dates
16 when Dean Baskerville might be ready.

17 MR. CASSIDY: Mm-hmm.

18 THE CHAIRMAN: And the Board doesn't know
19 whether any of the parties are aware of anything
20 further, particularly the proponent in that regard.

21 Ms. Blastorah, are you aware of any
22 further discussions with respect to when Dean
23 Baskerville might be available?

24 MS. BLASTORAH: I am not personally, Mr.
25 Chairman. I honestly can't say whether Mr. Freidin or

1 Ms. Murphy have been involved in any such discussions,
2 but I can certainly find out and let you know.

3 THE CHAIRMAN: Okay. And do you have any
4 better information at this time as to when you might be
5 completed your case?

6 MS. BLASTORAH: I'm afraid I don't, given
7 the change in the sitting hours. I am just not sure
8 how that will affect things.

9 For instance, if we were to lose a day it
10 could now be a significant loss. If through illness or
11 unavoidable circumstances we lost one full day of that
12 length, it could substantially change matters.

13 Apart from that, I don't really know.
14 It's rather hard to project at this point how that will
15 affect the number of days projected that we had for
16 Panel 15, because the days were projected on the basis
17 of some short days. I think that we are estimating
18 Panel 16 may start mid-October but, again, that's
19 strictly a ballpark estimate.

20 THE CHAIRMAN: Okay. Mr. Cassidy,
21 suppose that Dean Baskerville was unavailable to be
22 slotted in immediately after the Ministry's and suppose
23 the Ministry did in fact complete their case around
24 November 15th -- in and around that area, what happens
25 then?

1 MR. CASSIDY: Well, Mr. Chairman, I can
2 advise that if you wish to make a term of the order
3 that if the Ministry completes its case by November
4 15th and Dean Baskerville is not available on a certain
5 period of notice, if we could find out perhaps by the
6 end of this week or the end -- in two weeks, I might
7 suggest that we make the date November 15th, it would
8 be onerous but, however, we are here to help the Board
9 in terms of getting the evidence move along.

10 THE CHAIRMAN: See, the two choices I
11 think the Board has in that event -- and I think it's
12 the Board's preference that we deal with Dean
13 Baskerville immediately subsequent to the Ministry's
14 case - but, of course, we don't want to lose any
15 additional hearing time than we otherwise can avoid.

16 I doubt whether the Board would be
17 sitting beyond December 15th in any event given the
18 holidays coming up and given the fact that many of the
19 parties are away from their homes.

20 Nevertheless, if Dean Baskerville were
21 unable to attend and your client could not field the
22 first panel or the first two panels, for some reason,
23 we might also consider another satellite location to
24 fill in some of that time.

25 MR. CASSIDY: I believe there was

1 discussion about that on August 22nd, Mr. Chairman. I
2 can advise now that the reason that we need these
3 directions is because of scheduling problems with our
4 witnesses which was accommodated partially by the start
5 date of January 9th. It would be - I regret in front
6 of the Board - impossible to move our first panel
7 before that date given the planning that has occurred
8 since August 22nd and since the difficulties with those
9 witnesses arose out of the fact that they would be
10 unavailable before that date.

11 However, I can indicate that we would be
12 prepared to move up the service of the witness
13 statements if that would at all help or the service of
14 the last day.

15 I should further indicate that with
16 respect to the service of the first statement, the
17 reason I rise this morning is that if there was no
18 doubt about when we would finish the MNR's case, then
19 it potentially would have been required to serve the
20 first witness statement this Friday, which is why I
21 need clarification.

22 I can advise the Board that we have the
23 second witness statement completed, but because of
24 juggling with scheduling problems, we would rather
25 serve the first witness statement obviously first and

1 it would not be able to be completed until October 2nd.
2 It was our intention to have that completed by October
3 2nd, it was going to be our - this is getting rather
4 confusing - it was going to be our second witness
5 statement. Because of juggling problems, we've now
6 reversed the order and we would prefer to serve them
7 all at once on October 2nd.

8 MS. BLASTORAH: Mr. Chairman, I don't
9 know whether this is of assistance because it's
10 basically speculation at this point, but I think there
11 is a very good chance that we won't be finished Panel
12 16 perhaps before mid-November and in fact will be
13 toward the break period that you have indicated before
14 the Ministry's case would be completed given the change
15 in scheduling and the timing that we've had with Panels
16 12 and 13.

17 And so I think that we are perhaps on a
18 little later stage than we anticipated with Panel 14 at
19 this point, so...

20 THE CHAIRMAN: All right. Well, why
21 don't we leave it like this: We will discuss it
22 amongst the Board members over the break as to the
23 precise dates. I guess at this point it would be in
24 order to hear from any other parties?

25 Are there any objections from any other

1 parties as to the proposal put forward by Mr. Cassidy
2 of serving the first and second panels by October 2nd
3 and the remainder of the panels by December --

4 MR. CASSIDY: Friday, December 1st.
5 October 2nd is a Monday.

6 (no response)

7 ---Discussion off the record

8 THE CHAIRMAN: Well, I think what we'll
9 do, Mr. Cassidy, there is only two other parties here
10 at the moment. I think we will hold this down, if you
11 don't mind, to a Wednesday when the other parties will
12 be here and then fix a date.

13 MR. CASSIDY: Fine.

14 THE CHAIRMAN: The Board's preliminary
15 view is that it does not seem to be much of a problem,
16 given the fact that if the Ministry does not in fact
17 finish prior to the break, we may well be entertaining
18 Dean Baskerville in January as well.

19 And, again, that will push off the start
20 of your case perhaps a little further down the line,
21 but -- and I realize that may cause sheduling problems
22 for you again.

23 MR. CASSIDY: Well, if we have to deal
24 with it, we have to deal with it.

25 MR. CHAIRMAN: But we have to deal with

1 many of these witnesses as they become available--

2 MR. CASSIDY: That's right.

3 MR. CHAIRMAN: --and, particularly, I
4 think Dean Baskerville because of his role in this
5 whole scenario being fitted in after the Ministry's
6 case.

7 MR. CASSIDY: Thank you, Mr. Chairman. I
8 appreciate the difficulties with getting fixed dates
9 and that's why I thought I would bring it to your
10 attention now.

11 THE CHAIRMAN: Well, we should be able to
12 give you a fixed date by Wednesday at the latest and
13 we'll discuss it amongst ourselves and perhaps any of
14 you might discuss it with any of the other parties that
15 become available before that date.

16 MR. CASSIDY: Thank you.

17 MS. BLASTORAH: Mr. Chairman, I'll
18 attempt to get some better advice from Mr. Freidin
19 before Wednesday as to how we project for
20 evidence-in-chief then.

21 THE CHAIRMAN: All right. But I think
22 we'll have to stick by our earlier ruling, Mr. Cassidy,
23 that your first two panels would not go on earlier than
24 January 9th.

25 MR. CASSIDY: Thank you, Mr. Chairman.

1 THE CHAIRMAN: Although it may be later
2 than that too.

3 MR. CASSIDY: We intend to have those
4 panels dealt with separately.

5 THE CHAIRMAN: All right.

6 MR. CASSIDY: In other words, we want
7 to --

8 THE CHAIRMAN: So the first panel will
9 start January 9th. How many panels do you have, out of
10 curiosity?

11 MR. CASSIDY: I thought you might ask
12 that. The present intention is nine with the
13 possibility of a tenth, that depends very much on the
14 remainder of MNR's evidence, of course.

15 THE CHAIRMAN: I'm reluctant to even ask
16 for a ballpark figure in terms of months. I assume
17 we're talking months, not years here?

18 MR. CASSIDY: We are talking months in
19 terms of what we anticipate the cross-examination to
20 be, which is not easily done; however having had a year
21 of seeing cross-examinations, if you take the ballpark
22 to be the size of Yellowstone Park, I would say four
23 months.

24 THE CHAIRMAN: To complete your evidence
25 completely?

1 MR. CASSIDY: That's correct.

2 THE CHAIRMAN: Okay.

3 MR. CASSIDY: Thank you, Mr. Chairman. I
4 look forward to you speaking to the matter again on
5 Wednesday.

6 THE CHAIRMAN: Thank you.

7 Any other preliminary matters to deal
8 with?

9 MR. ADAMSON: Mr. Chairman, one item I
10 would like to clarify from last week.

11 THE CHAIRMAN: Yes.

12 MR. ADAMSON: In response to a question
13 from Ms. Kleer I indicated that the Nishnawbe-Aski
14 Nation had opportunity to comment on the environmental
15 guidelines before they were published. I have since
16 checked our list of people to whom the draft were sent
17 and, in fact, they did not have an opportunity to
18 comment.

19 THE CHAIRMAN: So NAN did not have an
20 opportunity?

21 MR. ADAMSON: That's right, NAN did not
22 have an opportunity.

23 THE CHAIRMAN: Thank you. Was there any
24 reason given for that?

25 MR. ADAMSON: I guess it goes back -- why

1 wouldn't we send it? I guess we felt that it didn't
2 really relate to their interest, considering the nature
3 of the guidelines and the type of construction,
4 maintenance, things that are in it.

5 THE CHAIRMAN: Thank you.

6 Mr. Hanna?

7 BRUCE ADAMSON,
8 SERGE TENAGLIA,
9 NEVILLE WARD,
GORDON PYZER,
DAVID M. HOGG, Recalled

10 MR. HANNA: Mr. Chairman, this afternoon
11 I will be dealing with, primarily I expect, Mr. Pyzer
12 and Mr. Ward. I will be starting with Mr. Pyzer and
13 going through his evidence in Document No. 5 and,
14 likewise, I will be following through Mr. Ward's
15 evidence in, I believe it's Document No. 3 or 4 in the
16 witness statement.

17 I would like first however to get some
18 preliminary matters and make sure I get my questions to
19 the right people in the panel and that's why I would
20 like to start out with that.

21 CONTINUED CROSS-EXAMINATION BY MR. HANNA:

22 Q. Can I ask who is the quarterback in
23 this panel?

24 MR. PYZER: I believe I am.

25 Q. Well, Mr. Pyzer, then we will be

1 talking continuously then.

2 Now, it's my understanding that this
3 panel deals with the how-to-its and the consequences of
4 the how-to-its in terms of forest access roads and that
5 Panel 15 will be dealing with the overall planning
6 process and how it fits into that; is that correct?

7 A. That's correct.

8 Q. So in terms of the evidence of this
9 panel, it provides basic inputs to the planning process
10 that will be described in terms of Panel 15, it lays
11 out, if you will, the groundwork upon which that
12 planning process is founded?

13 A. That's correct. Generally, yes.

14 Q. Now, I want to make sure that my
15 interpretation of what you're passing on to Panel 15 is
16 consistent with yours, and what I'm looking at - and I
17 have this particular concept and maybe it's not
18 consistent with yours - but I have this concept that
19 Panel 15 in the timber management planning process is
20 attempting to arrive at optimal resource management
21 decisions with respect to timber management planning;
22 is that your understanding?

23 A. That is, but I am going to ask Mr.
24 Tenaglia here to turn his mike on because he is --
25 while I may be the quarterback, he's the planning

1 expert on this panel.

2 Q. Okay, fine. Sure.

3 MR. TENAGLIA: A. In terms of -- yes, we
4 are looking at the optimal decisions, decision-making,
5 which is the preferred corridor, which is the preferred
6 route to pick in terms of access.

7 Q. Right. In fact it's the whole road
8 network that you are trying to optimize; is that not
9 correct?

10 A. That's correct.

11 Q. Now, perhaps -- I'm not -- Mr.
12 Tenaglia, either you or Mr. Pyzer can field these
13 questions, I'm just not sure which of the two is the
14 appropriate person.

15 MR. PYZER: A. We've been known to try
16 both at the same time.

17 Q. I think the recorder might not like
18 that. Okay. I have listed here five things that I
19 conceive that this panel might provide as input to
20 Panel 15 in terms of the overall planning process, and
21 I want to see if these are consistent, in your view, as
22 the information that might be passed on.

23 The first thing -- perhaps just one more
24 thing. In passing this information on; again, I come
25 at this with a certain concept of what is required to

1 make an optimal decision, particularly with respect to
2 forest access road networks, and so it's specifically
3 with respect to that that I'm talking.

4 The first thing is this road construction
5 costs both over the short- and long-term. Would you
6 agree that that's an essential element in arriving at
7 an optimum decision?

8 MR. TENAGLIA: A. Yes, it is.

9 Q. The second thing I have here is road
10 maintenance costs over both the short- and long-term?

11 A. Yes.

12 Q. Now, the third thing here I realize
13 may not be the essence of the evidence of this panel,
14 but just for completeness I've included it, and that is
15 the net value of the wood accessed?

16 A. That certainly would have a bearing
17 on decisions that are made.

18 Q. The fourth thing is the net public
19 value of all other timber resource opportunities
20 created by road network alternatives?

21 MR. PYZER: A. And the question is...?

22 Q. Is that an essential input to
23 arriving at an optimal forest access road network
24 system?

25 A. The net public value of all other --

1 I'm sorry, I'm just trying to...

2 Q. I can read it again. It's the net
3 public value of other timber resource opportunities
4 created by the road network.

5 A. That's a consideration, yes.

6 Q. Excuse me, Mr. Quinney just corrected
7 me -- Dr. Quinney has corrected me here. I think I
8 said other timber, I meant non-timber resource
9 opportunities. I'm sorry if I -- that was the intent
10 of the question. Would that be a necessary input?

11 A. It would be something we would look
12 at, yes.

13 Q. Could you arrive at an optimal
14 decision without that input?

15 A. Well, it all depends what you mean by
16 the term 'net public value'.

17 Q. Well, how do you interpret that?

18 A. I find it very difficult, I'm not
19 sure what you mean by it. How I would interpret it in
20 terms of how we do -- how we make decisions and how we
21 rationalize and evaluate or make that analysis, I would
22 say, yes, that's a necessary input. I just don't know
23 if I'm interpreting it the same way you are.

24 Q. Well, perhaps we will come to the
25 issue of value. You are saying there may be some

1 semantical difference in terms of the concept of value
2 there?

3 A. That's correct.

4 Q. And the fifth thing that I had listed
5 here was the environmental costs in terms of non-timber
6 values.

7 A. Yes, I would think that's a major
8 consideration.

9 Q. Are there any others that are omitted
10 from this list of five?

11 MR. TENAGLIA: A. You certainly would
12 have to assess what the impacts of the road network
13 would be on any resource user. So impacts -- potential
14 impacts is a consideration, if that fits in one of
15 your...

16 Q. Okay. I had broken this out the way
17 I had, Mr. Tenaglia, specifically to try and deal with
18 that issue. I had No. 4, in terms of net public value,
19 the interpretation there was that you might have
20 positive impacts from forest access roads and,
21 therefore, that would be where the positive user
22 impacts, in your terms, might be incorporated. Can you
23 live with that?

24 A. Yes.

25 Q. And the negative user impacts and

1 negative impacts on the environment would be captured
2 in No. 5, the environmental costs?

3 A. Okay.

4 Q. Now, is there any others that are not
5 included in that list?

6 MR. PYZER: A. I would suspect not. I
7 guess the difficulty all of us will probably have on
8 this panel is that we don't think in terms of these
9 five categories.

10 The words are somewhat foreign, at least
11 they are to me, but in terms of what we do deal with, I
12 believe I can slot that into each one of your five
13 categories.

14 Q. Okay. Now, I would like to ask - so
15 I can direct my questions properly to the panel - who I
16 should deal with for each one of these five components?

17 A. Possibly the easiest way would simply
18 be to ask the question and then when we hear it -- if
19 you're talking about -- obviously the very specific,
20 the engineering side of it, road maintenance costs
21 long-, short-term, those sorts of things, certainly
22 that's Mr. Adamson's area that he would be speaking to;
23 but environmental costs, impact on fish and wildlife,
24 if it's fish we're -- certainly that's Mr. Ward's area
25 of expertise; if it's wildlife, Mr. Hogg's; and Mr.

1 Tenaglia is certainly the expert in terms of process in
2 timber management and impacts relative to the forest
3 industry.

4 In terms of dealing with other user
5 groups, whether they be anglers, hunters, Indians,
6 tourist operators, those are the kinds of questions
7 that you can direct to me.

8 Q. All right. Well, Mr. Pyzer, how
9 about if we deal with you then.

10 MR. HANNA: Excuse me.

11 ---Discussion off the record

12 MR. HANNA: Q. Mr. Pyzer, I believe in
13 your witness statement in Panel 7 your curriculum vitae
14 was not included in the witness statement; is that
15 correct.

16 MR. PYZER: A. I was in Panel 7, so I
17 assume that the reason it wasn't duplicated was because
18 I was sworn and it was included in Panel 7.

19 Q. Okay. I'm just trying to figure out
20 if your CV has been filed?

21 A. Yes, it has.

22 Q. It has been?

23 A. Yes.

24 Q. Okay.

25 MR. HANNA: Mr. Chairman, I don't know

1 how to refer to these exhibits because I don't have the
2 file number, but I believe it has been filed.

3 I don't think it's necessary for the
4 Board to look at it specifically, but I'm going to ask
5 the witness several questions on his curriculum vitae,
6 if I can.

7 MS. BLASTORAH: Mr. Chairman, I can't lay
8 my hand on the exhibit number right now, but we accept
9 that it was filed and perhaps we can just refer to it
10 as the curriculum vitae of Mr. Pyzer.

11 THE CHAIRMAN: That would be fine.

12 MS. BLASTORAH: I will try and locate the
13 exhibit number.

14 THE CHAIRMAN: Okay.

15 MR. HANNA: Q. Mr. Pyzer, do you have a
16 copy of your resume with you?

17 MR. PYZER: A. No, I don't.

18 Q. (handed)

19 A. Thank you.

20 Q. Now, I have gone through your resume
21 and it certainly is clear that you are a very active
22 member of a number of different organizations and
23 advance -- you're writing books on fishing, conducting
24 radio shows, appearing on TV regularly; is that
25 correct?

1 A. Yes.

2 Q. And I also see that you've been
3 involved in a great number of Ministry committees; is
4 that correct?

5 A. Fewer in the last year, but previous
6 to that, yes.

7 Q. However, I went through that
8 voluminous supplement - it was certainly quite useful
9 in getting an appreciation of your history - but I
10 didn't find any reference to any scientific articles
11 that you published. Was that omitted out of your
12 supplement?

13 A. Scientific articles?

14 Q. Yes.

15 A. Other than thesis work, that sort of
16 thing, I haven't published very much, no.

17 Q. So it's fair to say you've had a
18 great deal admini -- a great deal of experience as an
19 administrator but virtually no experience, at least
20 since 1970, undertaking and publishing any form of
21 scientific research on socio-economic analysis or
22 anything else of professional value?

23 A. That's correct, I haven't published
24 anything.

25 MS. BLASTORAH: Mr. Chairman, I don't

1 want to rise prematurely, I just want to clarify. Mr.
2 Hanna had indicated during the scoping session that he
3 was not going to be challenging the qualifications of
4 this witness and I just want to clarify that that's
5 still his position.

6 MR. HANNA: Mr. Chairman, I'm not
7 challenging the qualifications of this witness as an
8 expert in resource management. I believe he is here
9 speaking on socio-economic impacts and I'm exploring
10 his capabilities in that field.

11 MS. BLASTORAH: I would just like to
12 confirm exactly what Mr. Pyzer was qualified as.

13 Well, I will just leave it and see where
14 the questioning goes, Mr. Chairman.

15 MR. HANNA: I did, Mr. Chairman, look
16 very carefully at the qualifications of Mr. Pyzer in
17 Panel 7 and in panel -- and in this particular panel,
18 and it was for that reason that I made the statement in
19 the scoping session.

20 Q. Mr. Pyzer, can I take you back in
21 your memory to Panel 7. I think a lot of us here may
22 have a hard time remembering that far back, perhaps you
23 do too.

24 There was a number of questions put to
25 you at that time in terms of your experience as a

1 Ministry employee regarding training in optimization of
2 resource benefits. Do you recall that?

3 MR. PYZER: A. I recall some questions,
4 yes.

5 Q. I'm going to be speaking specifically
6 to certain pages, and perhaps you might want to refer
7 to the transcript. I'm looking at pages --

8 MS. BLASTORAH: Which volume?

9 MR. HANNA: Volume 57, page 10158. I
10 believe it runs through to 10161. You might want to
11 look at that to refresh your memory.

12 MS. BLASTORAH: Mr. Chairman, I don't
13 want to be disruptive, but I have a slight problem, and
14 I know it was unfortunate that Mr. Hanna did not get
15 here until this morning so he was unable to advise us
16 before the commencement of the hearing which exhibits
17 he would be referring to. I have some concern that I'm
18 going to have to give my only copy of the transcript to
19 the witness, I don't have a copy for my own purposes.

20 So I would just raise that now and if it
21 appears to be a problem, I may ask that we hold over
22 this line of questioning until we are able to obtain a
23 copy of the transcript.

24 THE CHAIRMAN: Okay. Mr. Hanna, going
25 back to the evidence given in Panel 7, how long are we

1 going to remain on Panel 7's evidence?

2 MR. HANNA: It won't be very long, Mr.
3 Chairman. It's a matter of about five or six
4 questions.

5 THE CHAIRMAN: Well, let's proceed as
6 expeditiously as we can to see where we are going.

7 MR. HANNA: Yes, Mr. Chairman.

8 MR. PYZER: I am sorry, what pages were
9 those again?

10 MR. HANNA: Q. If you could look first
11 on page 10160, please.

12 MR. PYZER: A. I don't have that
13 document here. It must be the next one.

14 MS. BLASTORAH: (handed)

15 MR. PYZER: 10...?

16 MS. BLASTORAH: ...160. What volume is
17 that, Mr. Pyzer?

18 MR. PYZER: 59.

19 MR. HANNA: Q. I'm looking specifically
20 at lines 9 through 17.

21 MR. PYZER: A. Yes.

22 Q. And the courses -- the question that
23 was asked to you is what courses you've had as a
24 Ministry employee in terms of optimization of resource
25 management decisions; is that correct, and you were

1 listing off a series of different courses you had
2 taken. Is that a fair summary of what's gone on there?

3 A. Yes, that's right.

4 Q. Now, the study that's -- or the
5 courses referred to here is a native studies course at
6 York University taught by Andrew Ricard; is that
7 correct?

8 A. I didn't use the word major, but I
9 did indicate that it was a course at York, yes.

10 Q. It's a native studies course?

11 A. That's correct, yes. It was dealing
12 with a number of issues related to the native people,
13 that's correct, resource management effects and
14 certainly optimizing resource benefits were one of the
15 subject areas.

16 Q. Were formal optimization techniques
17 for resource management decisions presented to you?

18 A. No, not in terms of, say, a
19 university course on economics. We didn't get into
20 things like certainly cost/benefit analysis or
21 willingness to pay or those sorts of things. It
22 certainly was not an economics course.

23 Q. Do you know what training Mr. Ricard
24 has in this field?

25 A. I would have to go back and check

1 the -- no, I don't.

2 Q. You also mentioned there on lines 2
3 to 6 courses you took in constructive citizen
4 participation and interpersonal communication; is that
5 correct?

6 A. That's correct.

7 Q. Did these courses cover formal
8 optimization techniques for resource management
9 decisions?

10 A. That was by Des Connors and, again,
11 you know, it has been quite some time, but if your
12 question is: How did -- did it deal with making
13 tradeoff decisions, with dealing with publics, with
14 rationalizing decisions, constructive citizen input,
15 that sort of thing, I would say yes.

16 Probably the environmental impact
17 assessment course that I took at the Banff Centre, that
18 was a week-long course, probably was the one that dealt
19 the most with optimizing resources and avoiding
20 conflicts and it went back to a lot of certain of the
21 university-type training.

22 Q. Does Mr. Connors have training in
23 formal optimization techniques for resource management
24 decisions?

25 A. I'm sorry?

1 Q. Does Mr. Connors have training in
2 formal optimization techniques for resource management
3 decisions?

4 A. I don't know.

5 Q. They were presented to you at that
6 course, though; were they?

7 THE CHAIRMAN: He indicated what was
8 presented at that course; did he not?

9 MR. HANNA: I didn't hear an answer yes
10 or no whether those were -- he's indicated various
11 things, but I didn't hear: No, they were not
12 presented; or, yes, they were presented.

13 MR. PYZER: You see, I have difficulty
14 with the terms. If what you're asking me: Did Des
15 Connors present an economic workshop, the answer
16 certainly is no.

17 What he presented -- he's a specialist in
18 dealing with exactly as the course was called,
19 constructive citizen participation, how in fact you get
20 input into planning decisions, the various mechanisms
21 involved in doing that and how you -- in a number of
22 forums, in a number of ways you can come to what I call
23 optimizing resource decisions by having those people as
24 part of workshops, as study groups, as cooperative
25 management programs, task forces, those sorts of

1 things.

2 MR. HANNA: Q. So what you're suggesting
3 to me that your concept of optimization is public
4 consultation, but that's not formal optimization
5 techniques as it's commonly used in the - how should I
6 say - the resource management literature?

7 MR. PYZER: A. Well, actually, speaking
8 with our economists, people like Nilam Bedi and
9 Allison -- Ms. Coke that was on the panel, you will
10 find very few resource agencies that do true things
11 like cost/benefit analysis just because the body of
12 literature warns you against doing them for
13 environmental processes.

14 In fact, what they're designed to be used
15 for basically are projects and, in fact, the body of
16 literature warns against using those sorts of things to
17 make these kinds of decisions that we're talking about.

18 Q. You mentioned later on page 10161,
19 lines 9 to 11, courses you have taken in resource
20 evaluation. Do you see that?

21 A. Could you draw me to a line, please?

22 Q. Lines 9 to 11.

23 A. Yes.

24 Q. Who are the instructors at the Huff
25 Stansbury course?

1 A. It was Jim Stansbury himself.

2 Q. Do you know what training he has in
3 formal optimization techniques?

4 A. You worked for him, you would know
5 better than I. I really don't.

6 Q. Did he present to you any formal
7 optimization techniques?

8 A. Again, it was prior -- it was -- the
9 reason we hired Mr. Stansbury at that time was in fact
10 a precursor to the environmental assessment and what in
11 fact we did was involve the timber management companies
12 in the northwest region and basically all Ministry
13 staff with the --

14 THE CHAIRMAN: Mr. Hanna, the Board has
15 had enough of this line of questioning. Let's get on
16 with the questions about what this panel testified
17 about.

18 Mr. Pyzer was put forward as a resource
19 management witness with training in resource management
20 and those kinds of decisions. Now, if your end result
21 of this line of questioning is, is that he has not had
22 the formal training that you seem to be indicating in
23 your line of questioning of resource optimization, then
24 perhaps you can short circuit this, Mr. Pyzer, by
25 either indicating you have had a formal training in

1 that area specifically or you have not.

2 MR. PYZER: I have a Master's Degree in
3 resource management and 20 years' experience with the
4 Ministry of Natural Resources geared to exactly that
5 sort of thing. Now --

6 THE CHAIRMAN: But you didn't take a
7 course specifically--

8 MR. PYZER: Called...

9 THE CHAIRMAN: --called optimization?

10 MR. PYZER: That's right.

11 THE CHAIRMAN: You didn't get a degree,
12 if one is granted, in a course called optimization.
13 Presumably you don't know from your answers so far
14 whether your instructors in various courses that you
15 have taken have degrees or other certification in
16 optimization; is that the case?

17 MR. PYZER: Other than my university
18 professors, that's correct.

19 THE CHAIRMAN: Okay. I don't think you
20 are getting very far, Mr. Hanna, going much beyond
21 this. So let's get on with some questions that are
22 more or less relevant to the testimony given by this
23 panel.

24 MR. HANNA: Yes, Mr. Chairman. If I
25 could have the indulgence of the Board for three more

1 questions, and what they --

2 THE CHAIRMAN: No, I think we are going
3 to go on at this point.

4 MR. HANNA: Mr. Chairman, I would submit
5 to the Board that what we are facing here with this
6 particular witness' evidence is socio-economic impacts
7 and associated with that is the whole question of
8 making tradeoffs and reaching optimum decisions.

9 THE CHAIRMAN: And he has indicated
10 through his experience, which totals some 20 years in
11 the field, that he has been in the habit of making such
12 types of tradeoff decisions. Is that correct, Mr.
13 Pyzer?

14 MR. PYZER: I believe it's 17 to -- 17
15 and some months.

16 THE CHAIRMAN: Well, as you are probably
17 aware, Mr. Hanna, not everything is geared solely to
18 professional certification or a university degree.
19 Experience in an area counts for something and, in
20 fact, there are many instances where the Board will in
21 fact accept expert opinion from somebody without any
22 formal education or formal certification but experience
23 in the area.

24 I can allude to such people as farmers,
25 hunters, fishermean, et cetera, in those types of areas

1 for which they have experience.

2 So I don't think it is particularly
3 productive to go on with a line of questioning
4 concerning Mr. Pyzer's qualifications in the area of
5 making tradeoff type decisions. I think that has been
6 established, at least to the satisfaction of the Board.

7 MR. HANNA: Thank you, Mr. Chairman.

8 Q. Mr. Pyzer, can we turn to Exhibit 16
9 which is the Baskerville Report, please, and
10 particularly page 72.

11 MR. PYZER: A. I am sorry, which report?
12 Baskerville?

13 Q. The Baskerville Report.

14 MS. BLASTORAH: Again, Mr. Chairman, I
15 would only indicate that I know it's unfortunate Mr.
16 Hanna wasn't able to advise us. I believe I only have
17 one copy of that document so, again, I am without my
18 own copy of that.

19 MR. HANNA: Q. Mr. Pyzer, I would like
20 to get your opinion on two sentences in this report and
21 then we will be finished this subject.

22 Can you look at the last sentence -- or
23 the last paragraph on that page and could you read the
24 first sentence, please?

25 MR. PYZER: A. Read the last sentence on

1 page 16?

2 Q. It's the last paragraph -- the first
3 sentence in the last paragraph.

4 MS. BLASTORAH: I believe that's on page
5 72, Mr. Pyzer, of Exhibit 16.

6 MR. PYZER: I'm sorry, I'm confused.

7 MR. HANNA: Q. Exhibit 16.

8 MR. PYZER: A. Yes.

9 Q. Page 72.

10 A. Oh, I'm sorry. I was on page 16.

11 Yes. And you want me to read the last sentence?

12 Q. In the first paragraph -- no, the
13 first sentence in the last paragraph.

14 A. "Used in the Ontario Ministry of
15 Natural Resources sense, optimum and
16 optimization are at best jargon and
17 bear no relationship to the substantial
18 technical subject of optimization."

19 Q. Do you agree or disagree with this
20 statement?

21 A. I haven't given it any thought to be
22 honest, but --

23 MS. BLASTORAH: Mr. Chairman, I would
24 only ask that the sentence be put in context. I think
25 the witness hasn't had an opportunity to review this

1 and I would ask that -- there is context obviously to
2 that statement in the paragraph above and I can only
3 point out that the witness --

4 THE CHAIRMAN: Well, why don't we do it
5 this way: Mr. Pyzer, why don't you take the
6 opportunity at the next break of reading where this
7 starts on page 71--

8 MR. PYZER: Yes, I will do that.

9 THE CHAIRMAN: --Integration for Optimum
10 Benefits, read through perhaps to page 74, that
11 section.

12 MR. PYZER: Yes.

13 THE CHAIRMAN: And then perhaps you will
14 be in a better position to answer the question.

15 MR. HANNA: Thank you, Mr. Chairman.

16 Perhaps I may just also bring to his
17 attention one other question I was going to ask him on
18 that page.

19 Q. If you look, Mr. Pyzer, this is one
20 where -- one place else to focus your attention, is the
21 last sentence in the second paragraph, that large
22 paragraph on page 72.

23 A. Starting with "However..."?

24 Q. Yes. If you could look at those two
25 and perhaps comment on those.

1 In terms of your evidence on
2 socio-economic impact assessment, would you say that
3 you're current in your knowledge of the latest
4 techniques and advances in socio-economic impact
5 assessment, particularly dealing with road systems?

6 A. I'm sorry, would you repeat that
7 question?

8 Q. Would you say that you are current in
9 your knowledge in terms of the latest techniques and
10 advances in socio-economic impact assessment,
11 particularly dealing with forest access roads?

12 A. What I would say is, is that I'm
13 current in how the Ministry of Natural Resources does
14 its planning relative to access roads and how the
15 Ministry deals with other users and deals with the
16 socio-economic environment.

17 Now, whether that's current with the way
18 other jurisdictions do it or with other people, what
19 I'm most familiar with and what I do is the way we have
20 outlined in our evidence package and in the Class
21 Environmental Assessment Document.

22 Q. Are you current with what is being
23 done by other jurisdictions; simply yes or no?

24 A. Well, you know, I read -- I
25 certainly read some of the material, but there is

1 volumes and volumes out there. I certainly don't read
2 it all.

3 THE CHAIRMAN: Mr. Hanna, current is a
4 relative term. You could be current with another
5 jurisdiction and somebody else looking at what you know
6 could say you are totally out to lunch.

7 It is the type of thing that changes from
8 jurisdiction to jurisdiction, and I would submit to you
9 that there is no precise level of knowledge at any
10 given point in time in many disciplines.

11 MR. HANNA: Q. Mr. Pyzer, do you closely
12 follow the socio-economic impact assessment literature?

13 MR. PYZER: A. You know, the American
14 Federation -- or the American Fisheries Society, for
15 example, and there is a number of reports in there, our
16 own economists in terms of Fisheries Branch, Nilam
17 Bedi -- Tony Usher had a report in there.

18 Those sorts of things, when it's an AFS
19 symposium on socio-economic tools relative to the way
20 we do business, certainly those things are circulated
21 very widely.

22 Nilam Bedi is another example, one of our
23 economists, put on a socio-economic training program a
24 couple of months ago for 70, 80 people and which
25 specifically related to fisheries and fish management.

1 So when you participate in those kinds of forums for
2 three days at the Geneva Conference one would be
3 exposed to a lot of them.

4 So from that perspective, you know, that
5 is the way that the Ministry does business and that is
6 the way that the Ministry trains its staff.

7 Now, I don't know whether our specialist
8 in main office or our specialists in main office, when
9 they come to do our training programs, obviously, and
10 we go on those courses, how current they are. I assume
11 they are very current and they are giving us the best
12 of the literature and the best of their advice.

13 Q. You made reference to the
14 transactions of the American Fisheries Society. I take
15 it you are of the view that this was somewhat of an
16 import -- it was called the Social Assessment of
17 Fisheries Resources Conference. That was a relatively
18 important...

19 A. It was relatively, it was of
20 interest, yes.

21 Q. And it pertained to some of the
22 evidence that you have brought forward before this
23 Board?

24 A. Minor -- again, we will probably talk
25 about this later. You are aware of the fact that we

1 did the social economic analysis of fisheries on Lake
2 of the Woods, cost us several hundreds of thousands of
3 dollars, but now I wouldn't consider that
4 state-of-the-art, in fact there is a lot of people
5 within the Ministry that think that's a very cursory
6 examination and are not particularly thrilled with it
7 one way or the other.

8 You know, it's some pretty good work, but
9 even though we have done it and we hired the
10 consultant - and, again, I believe you are one of the
11 people that we hired to do that job. Now, is that
12 current? I don't know.

13 Q. I am asking your knowledge in terms
14 of how extensive it is in terms of socio-economic
15 impact assessment. Are you familiar with Exhibit 586
16 which is one of the papers presented at that conference
17 you referred to, to somewhat of a landmark conference
18 in terms of socio-economic impact assessment of
19 fisheries resources?

20 THE CHAIRMAN: Who refers to it as a
21 landmark conference? Why is that particular conference
22 known as a landmark conference?

23 MR. PYZER: I don't believe I referred to
24 it as a landmark conference.

25 MS. BLASTORAH: Mr. Chairman, I really

1 apologize to Mr. Hanna for the constant interruptions.
2 I do recognize it's not his fault, but this is an
3 exhibit from an earlier panel and, to my knowledge, Mr.
4 Pyzer has not had an opportunity to read it.

5 Obviously it's about -- I believe,
6 probably an 11-page article anyways. So, again, I
7 would only caution him that he may need time to review
8 it.

9 I will let Mr. Hanna ask his questions
10 and see if that's the case.

11 MR. HANNA: I don't intend to ask -- go
12 into the details of the paper, Mr. Chairman. I believe
13 the witness actually already referred to it in terms of
14 this being one of the papers in the conference that he
15 had referred to.

16 MR. PYZER: The point I was making is
17 that simply every district in the Ministry of Natural
18 Resources I believe gets the transaction listings and
19 you asked if I'm -- how aware I am of current knowledge
20 and understanding.

21 Certainly when that conference
22 proceedings would come through, and as I mentioned Tony
23 Usher's work on Lake of the Woods in our district,
24 which we had hired that firm to prepare that report,
25 obviously we read it with some interest. In fact, we

1 reviewed the paper for him before it went into the
2 transactions on that socio-economic study.

3 Nilam Bedi from our Ministry of Natural
4 Resources was also an author in that same conference,
5 in fact was a major contributor. He is our fisheries
6 economist.

7 In terms of a lot of that cost/benefit
8 analysis, our direction we take from the very people
9 that were participating in this conference on behalf of
10 the Ministry of Natural Resources.

11 So I guess what I am trying to say is
12 that that is where our direction comes from.

13 MR. HANNA: Q. Is this technique that is
14 described in that exhibit, a quantitative technique
15 that could be used to estimate the socio-...

16 THE CHAIRMAN: Well, has he read the
17 exhibit? Have you read the exhibit?

18 MR. PYZER: No, no, I haven't.

19 THE CHAIRMAN: He can't really describe
20 what's in it if he hasn't read it.

21 MR. HANNA: Q. So you haven't had time
22 to read this particular article; is that --

23 MR. PYZER: A. That was not one of the
24 ones that I read in that transactions, no.

25 Q. Now, is the reason you didn't read it

1 because you didn't have time or you didn't feel it was
2 relevant to your job as a resource manager?

3 A. How long ago were those proceedings?

4 Q. 1987.

5 A. So you are asking me why I didn't
6 read an article two and a half years ago. I don't
7 know. I may have even read it actually and forgotten
8 about it, but I don't believe I did.

9 Q. I see from your resume that you are a
10 member of the Soil Conservation Society of America; is
11 that correct?

12 A. I was, I am not presently.

13 Q. Do you still read the Journal of Soil
14 and Water Conservation?

15 A. Again, a lot of those organizations,
16 the reason I am no longer personally a member, the same
17 as with the Ontario Federation is our district offices
18 and -- in many cases the district is the member, if you
19 will, so we get all of the journals and reports coming
20 in. I don't read it constantly, no, but I have seen
21 copies of it.

22 Again, as you are aware, the Ministry of
23 Natural Resources -- most of our conservation
24 authorities people - and I was in Conservation
25 Authorities Branch - were the key members on the Soil

1 Conservation Society and I believe in fact we held many
2 of the symposiums in North America.

3 Q. There was a recent article published
4 in the Journal of Soil and Water Conservation entitled:
5 A Bioeconomic Approach to Estimating the Economic
6 Effects of Watershed Disturbance on Recreational
7 Commercial Fisheries by John Loomis. Are you aware of
8 that?

9 A. No.

10 Q. So you have no idea of whether it
11 pertains to your evidence or not?

12 A. That's correct.

13 Q. Would you agree with me that the
14 proposed Timber Management Class Environmental
15 Assessment nowhere proposes the use of formal
16 optimization techniques in order to analyse
17 socio-economic impacts?

18 A. Generally I think that is a fair
19 statement, that's correct. Generally, yes. For good
20 reason, I might add.

21 Q. Well, that is my next question. Is
22 it that the Ministry has rejected these types of
23 techniques, or is it simply they haven't applied them
24 broadly on an operational level?

25 A. No. Again, I think our specialists -

1 and I did talk to them certainly prior to this panel -
2 people like Ms. Coke who has been a witness on previous
3 panels and certainly people like Nilan Bedi.

4 I am advised that -- in fact am aware
5 that relative to the American Fisheries Society,
6 Ontario is one of the few jurisdictions in North
7 America that even has economists on staff.

8 And, as you know, within terms of the
9 American Fisheries Society, which has membership of
10 several thousands and thousands of people, that
11 symposium which we were just talking about was one of
12 the first times ever that it even been attempted and,
13 in fact, drew very, very few people and some MNR people
14 being very prominent in it just because it is such an
15 emerging science and certainly talking to our
16 specialists in main office, the body of literature
17 certainly is that, things like cost/benefit analysis,
18 because they are mathematical models and relative to
19 the kinds of subjects that the ministry of Natural
20 Resources deals with. The body of literature at this
21 point in time says that the risk is extreme to try and
22 implement them at this point in time because the
23 potential to make a wrong decision is significant.

24 And I guess what I am saying is that in
25 terms of the key socio-economic people within our

1 Ministry, a conscious decision has been made at this
2 time that we in fact don't want to get into do that,
3 not until it's refined and those risks are reduced.
4 And that what is being proposed in this document, and
5 the way we do make decisions in terms of resource
6 management planning is much preferable to using a
7 mathematical model at this point in time.

8 Q. Now, from what I have heard, you are
9 relying highly there on other peoples' expertise and
10 not yours?

11 A. Absolutely. They are the experts in
12 that field.

13 Q. And so the knowledge insofar as other
14 jurisdictions is not yours but theirs?

15 A. That's correct. That is a Ministry
16 position.

17 Q. Excuse me, what is a Ministry
18 position?

19 A. The one that I just enunciated,
20 that -- the Ministry's position -- it's not one person.
21 It is that key person that makes that policy decision
22 and that group that I was speaking of.

23 So I would say it's not -- I'm just
24 trying to clarify that it wouldn't be one person that
25 is saying that is the reason why we have chosen a path

1 or isn't, that would be the Ministry's position.

2 Q. Is there documentation on that formal
3 policy and how that decision was reached?

4 A. No, other than this is the process
5 that we have put forward as an alternative.

6 Q. So there was a policy decision made?

7 A. You don't usually have policies
8 saying why you don't do things.

9 Q. You don't have policies saying why
10 you do do things, and why you might reject something
11 that was available?

12 A. No, this is our policy statement in
13 terms of how we would do timber management planning and
14 make those kinds of socio-economic tradeoffs and
15 decisions. You wouldn't pass -- write a policy to talk
16 about the two thousand reasons why you wouldn't.

17 Q. Can we turn to Document No. 5 which
18 is the supporting documents to your witness statement.
19 It starts on page 340 of your witness statement.

20 Now, I discussed with Mr. Clark in Panel
21 11 tables that look very similar to these and rather
22 than go through the whole methodology with you --

23 MR. CASSIDY: I am sorry. You are
24 talking about document number...?

25 MR. HANNA: I'm talking about Document

1 No. --

2 MR. CASSIDY: I am sorry, you referred to
3 some tables and you referred to page 341, Mr. Chairman,
4 which is not a table, it has --

5 MR. HANNA: I apologize, Mr. Cassidy.
6 The tables begin on page 350 I believe and basically
7 make up much of the remainder of the document.

8 MR. CASSIDY: Thank you.

9 MR. HANNA: Q. Is that correct, there
10 are a series of tables there very similar to what was
11 presented in Panels 10 and 11?

12 MR. PYZER: A. That's correct. Again,
13 we explained at the beginning that we did try and do
14 that for consistency all the way through. They are
15 also the very same as what was presented in Panel 7.

16 Q. So the methodology used here is
17 basically the same as what's been used in 7, 10 and 11?

18 A. In terms of portraying the
19 information, that's correct.

20 Q. Now, there was some difference
21 between how the information is presented here and in
22 Panel 10, and I wanted to understand the rationale for
23 making those changes. On page 347--

24 A. Yes.

25 Q. --there's a series of stakeholders

1 listed there.

2 A. Mm-hmm.

3 Q. Now, you would agree with me that the
4 list that is shown there does not correspond with the
5 list that is in the tables that are attached to the
6 remainder of this, that they are actually broken up
7 into different groups and also that the order is not
8 the same as the orders that is here, which may be a
9 minor point, but they are quite different?

10 A. I am not sure that they are
11 different. Maybe you would have to direct me to the
12 difference and I can explain the reason for that.

13 Q. Certainly.

14 MS. BLASTORAH: Mr. Chairman, just a
15 question of clarification. Is it within the witness
16 statement that we are talking about where the
17 differences are or between the stakeholders that were
18 discussed in this panel and previous panels?

19 MR. HANNA: I am right now looking at the
20 list of stakeholders on page 347 and comparing that to
21 the tables that start on page 350. I will, however, be
22 comparing this list to what is in Panel 10's evidence.

23 MS. BLASTORAH: Okay. I only rose
24 because we did give evidence-in-chief at page 19994 of
25 the transcript to the effect that the same stakeholder

1 groups were used in this panel as had been used in
2 previous panels, and that is at line 22 and following.

3 Mr. Pyzer indicated:

4 "And I simply listed there in terms of
5 commercial stakeholders, recreational
6 stakeholders and so on, the very same
7 groups that you have seen in many, many
8 previous panels."

9 MR. HANNA: Q. Well, maybe I overlooked
10 something in your witness statement, Mr. Pyzer. But as
11 best I can tell the general public is not dealt with at
12 all in your tables?

13 MR. PYZER: A. To the extent that they
14 are not part of any one of those other groups?

15 Q. No, in the previous evidence we
16 brought forward, the general public has been dealt with
17 as a separate group having its own set of concerns that
18 might be, if you will, non-use concerns, much broader
19 concerns than using the resource, per se.

20 A. Yes, that was also part of my package
21 in 7. That must have been an oversight in fact, but
22 you are correct, that's right.

23 Q. Now, in Panel 10, consumptive and
24 non-consumptive user groups were separated; in this
25 evidence they are lumped together.

1 You have got Part 6 - and I am not too
2 sure where it starts - starts on page 385, deals with
3 Crown land recreationists/naturalists and I believe
4 that includes both consumptive and non-consumptive
5 users of the forest land; is that correct?

6 A. That's correct. It includes those
7 groups on 347 that I have indicated naturalists,
8 anglers, hunters, canoeists, hikers, Crown land
9 recreationists, that's correct. That is consistent
10 with Panel 7 as well.

11 Q. Now, would you not agree that the
12 socio-economic impacts of road access might be
13 significantly different in some cases for consumptive
14 and non-consumptive user groups?

15 A. Yes.

16 Q. But you lumped them together?

17 A. Pardon me?

18 Q. But you have lumped them together?

19 A. I have lumped them together in terms
20 of the broad heading Crown land recreationists, but if
21 you look under the various categories: user conflicts,
22 construction use, et cetera, et cetera, et cetera,
23 all the way through, you will see that there are
24 differences, that in fact one group's meat is another
25 group's poison.

1 THE REPORTER: I'm sorry, Mr. Pyzer,
2 you're losing me.

3 THE CHAIRMAN: A bit slower.

4 MR. PYZER: I'm sorry.

5 The point I was trying to make is that if
6 you look on the left-hand column under the various
7 headings that is really the key as to what are the
8 potential socio-economic environmental effects.

9 And the point there is that they have
10 been segregated out, but in fact one group's - as I
11 said previously - one group's meat would be another
12 group's poison.

13 And in fact we have done that -- I have
14 done that consistently I believe all the way through.
15 And often times you will find that they are
16 diametrically opposed. But the key certainly is: What
17 are the potential effects and then, of course, on the
18 right-hand side: What are the corresponding measures
19 to enhance, predict, prevent, minimize, mitigate or
20 correct those effects.

21 MR. HANNA: Q. If one were to develop a
22 predictive technique to analyse the socio-economic
23 impacts of forest access on different user groups,
24 would you expect to lump all Crown land recreationists
25 as one group, or would you be expected to undertake a

1 separate analysis?

2 MR. PYZER: A. No, I would expect that
3 you could lump them altogether if you were doing it the
4 way we were proposing.

5 Q. No, my question was: If you were to
6 develop a predictive technique--

7 A. Yes.

8 Q. --to analyze the impacts---

9 A. Well, of course, if you were
10 developing predictive techniques you would try and
11 narrow that down to the most specific group or
12 individual possible, but that is certainly not what
13 this was designed to be.

14 Q. Now, am I correct in saying that
15 there is not a generic approach to predicting and
16 evaluating socio-economic impacts in the area of the
17 undertaking with respect to access in this document?

18 A. A generic technique?

19 Q. Yes, mm-hmm.

20 A. No. The generic technique would be
21 the process itself; it would be the data collection, it
22 would be the analysis of the data, it would be the
23 reliance on other management plans - be they Fish
24 Management Plans, Wildlife Management Plans - it would
25 be government direction in terms of program policy,

1 targets, objectives, it would be the expression of
2 those at the district land use -- at the district stage
3 and then it would be the entire public consultation
4 exercise wherein -- within which all of those various
5 user groups come together and bring forth those
6 additional pieces of information which are required.

7 Q. Can we look at page 347, please?

8 A. Yes, I am there.

9 Q. The last paragraph there.

10 A. Yes.

11 Q. Second sentence.

12 A. Mm-hmm.

13 Q. "In some cases these values can be
14 expressed quantitatively in economic
15 terms or by other measures."

16 Have you done this anywhere in your
17 analysis, expressed these values in quantitative terms?

18 A. Not this analysis. Again, that was
19 not the intent of this. The intent of this is to
20 demonstrate when you are building a road the potential
21 effects on the socio-economic environment and maybe,
22 with all due respect, maybe your problem is, is that
23 you are looking at socio-economic environment in too
24 narrow a term.

25 We have looked at socio-economic

1 environment here in the Environmental Assessment term
2 of the word that is -- I mean, as far as I look at it
3 much, much larger.

4 What we are saying here is that when you
5 build an access road it has many potential effects,
6 both good and positive -- both positive and negative on
7 that broad environment and that can be everything from
8 an Indian trapper to an Indian community, or a person
9 who wants to photograph wildlife.

10 And so what we have done here in this
11 package is try and identify what those potential
12 effects could be and if in fact they were identified in
13 the timber management planning exercise, what methods
14 the Ministry would use to mitigate or to correct them
15 or to remedy them.

16 Q. But it doesn't say how you would
17 predict them?

18 A. No, it doesn't. They can be
19 predicted in many, many ways.

20 Q. Now, you indicate there in the second
21 clause that other measures can be used to express
22 resource values. And I believe one of the examples is
23 cubic metres of wood?

24 A. I am sorry, what line are you on?

25 Q. I am on the fourth and fifth line of

1 that last paragraph, starts with:

2 "...or by other measures..."

3 A. Yes.

4 Q. Page 8. And you indicate there cubic
5 metres of wood is another measure.

6 A. Yes.

7 Q. Can you explain to me why you would
8 suggest using cubic metres of wood rather than the net
9 economic value of the wood in order to measure its
10 socio-economic importance?

11 A. Again, it's just an e.g. We could
12 have probably put down reams and reams of e.g.s.

13 The point I am trying to make here is if
14 you want to look at it in terms of the economic sense
15 in terms of straight dollars and cents, certainly there
16 are some things here that we can measure in those
17 terms.

18 We do that with the tourist industry, we
19 certainly go in - and that is one of the key roles that
20 the Ministry of Tourism and Recreation provides in
21 terms of financial statements - we know what
22 replacement costs are, we know how much monies, fairly
23 easy to quantify.

24 But if you take that same industry and
25 start talking about cost/benefit analysis, and this is

1 the real problem with it, and why generally - and in
2 all honesty, I have never had a group come forward and
3 want to do it - is the dilemma is that while one person
4 can put a billion dollar figure on it - whether that's
5 the forest industry or the mining industry or
6 whatever - you inevitably come up with talking about
7 tourist operators or naturalists or whatever and their
8 concern is with that view there, with all of those nice
9 white pine trees growing on the hill.

10 THE CHAIRMAN: Mr. Pyzer, a bit slower,
11 please.

12 MR. PYZER: I'm sorry. And that is the
13 dilemma with the cost/benefit approach because while
14 you even may get agreement that: Okay, we are going to
15 give it a try, immediately after having gotten the
16 agreement to give it a try, it breaks down when people
17 then start saying: Well, I don't agree with the value
18 that you have imputed or implied that my concern or my
19 value is worth.

20 And our dilemma, when you are talking
21 about a process like timber management planning, is
22 that you can't put values on many, many of the things
23 that a lot of people who would like to make it a very
24 narrow and very simplistic and very rigid process would
25 like us to do. You can't put a price tag on that view

1 of white pine trees in a wilderness setting or on the
2 sunset; whereas the forester can put a value on the
3 wood.

4 And that's why we don't rely on it, and
5 even if you could put those values, or rather you come
6 to a bottom line decision, that invariably again breaks
7 down because they come back and say: Well, you know --

8 MR. HANNA: Q. I am sorry, whose work?

9 MR. PYZER: A. The key point that I am
10 trying to make is - again, just coming back - is, the
11 reason why I am hedging on this is that we did tourism
12 guidelines for the protection of -- or we did Timber
13 Management Guidelines for the Protection of Tourism and
14 that was a committee of two industries, the tourist
15 industry and the forest industry and all through that
16 we got into these major arguments about, you know: If
17 we were allowed to cut the wood on the TransCanada
18 Highway - and we heard that probably 25 times - it was
19 worth one point - and I forget how many billions of
20 dollars - and then the tourist industry would come back
21 and say: But to the travelling public or to the
22 motoring public it's worth -- and then they would give
23 a figure and then the forest industry would come and
24 say: Well, where did you get that figure from. And if
25 you will: I can't justify it, but that is what it's

1 worth to a guy to take a look at it when he travels
2 along the TransCanada Highway.

3 And that is the dilemma with cost/benefit
4 analysis, is that you are trying to compare apples and
5 oranges with peaches and bananas and we have put a
6 process together that tries to bring those people
7 face-to-face and say: Listen, if we can't put economic
8 values on it to compare, let's at least have a process
9 that allows us to sit down and come to some conclusions
10 so that we understand where you are coming from and
11 where I am coming from and make some good resource
12 management decisions.

13 It's not that we don't know that those
14 other techniques are out there, it's just that they
15 have not been tried in the context of processes like
16 timber management planning. You can find them for a
17 dam, and you can find them for specific projects, but
18 you cannot find them for processes, other than in a
19 very --

20 Q. To the best of your knowledge?

21 A. Well, that is what I am being
22 advised, that's correct.

23 Q. Mr. Pyzer, I don't remember my
24 referring to the term benefit/cost analysis in any of
25 my questions so far. Where did you -- are you

1 inferring that that is what I am suggesting? I am just
2 trying to figure out --

3 A. No, I am just using that as an
4 example.

5 Q. Are there other ways to deal with
6 these sorts of - how do I say - to quantify these terms
7 and to deal with them in a systematic and predictive
8 way?

9 A. Well, there are all kinds of
10 techniques. Gee, I taught an economics course at
11 community college. You're asking me to go back now to
12 my teaching days. But a willingness to pay, those
13 sorts of things and, again, there are inherent problems
14 in that whole concept of willingness to pay,
15 particularly when you are talking about access to
16 things like fisheries, as an example.

17 Everyone knows that \$10 -- the fact that
18 you pay \$10 to get a fishing licence isn't the real
19 value to the average person in Ontario or to a person
20 fishing here.

21 But there are such political implications
22 to saying that you are going to pay what the true value
23 is, whether that's a ZEC system like Quebec or a
24 European system where you get true market decisions,
25 where if you want to go fish on a river in England it

1 costs you \$1,500 for the day.

2 Politically Ontario I believe has chosen
3 a route that says we are not going to go that
4 direction.

5 Q. But is there not a difference between
6 realizing the value the public puts on the resource in
7 terms of monetary terms and using that value in
8 reaching optimum decisions; is there not a fundamental
9 difference there; one is a political issue and one's a
10 technical issue?

11 A. Sure there is and the problem with
12 things like willingness to pay is that very problem, is
13 that you ask people what are they prepared to pay and
14 then you don't -- many people can't put a lot of
15 confidence in the answers that they get back because
16 that is exactly what it is, a hypothetical question and
17 a hypothetical response.

18 Q. I take it you have attempted to
19 undertake these types of analyses?

20 A. Again, you are familiar with the fact
21 that the socio-economic project that we carried out on
22 Lake of the Woods did many of those sorts of things and
23 tried to do them and, in fact, if you go back and read
24 that report you will see that the authors -- probably
25 one of the most common conclusions that they came to or

1 apologies, if you will, as they went through was the
2 difficulty of doing many of the things that we are
3 talking about.

4 And so -- and this is the real danger, is
5 that you start making assumptions because you don't
6 have the information or can't get it, and then you
7 assume, and then you make an assumption about the
8 assumption, and then by the time you do that 10 or 15
9 places through the exercise you don't have a great deal
10 of faith in the bottom line answer.

11 Q. Is there a way to avoid those
12 assumptions by doing it implicitly?

13 A. Well, again, even the work that you
14 are familiar with having done for us, there wasn't - at
15 least in terms of the bottom line conclusion, it was
16 the state-of-the-art and --

17 Q. No, but my question, Mr. Pyzer: Is
18 not what we are really doing by maintaining these
19 relationships implicitly avoiding the real issues; in
20 other words, by not making them explicit and not laying
21 them on the table we really don't know if this is our
22 best guess?

23 A. We do that all the time. That is
24 exactly what this process is designed to do and in my
25 mind that is the great strength of this exercise, is

1 that - and with all due regard, the strength of this
2 exercise is that we sit down in rooms and we sit at
3 meeting halls and we honestly want to come to win/win
4 solutions and I will take that any day over an
5 accountant's bottom line decision.

6 We sit there and we don't -- in all
7 honestly don't deal with big winners and big losers and
8 big companies and small tourist operators, we deal with
9 specific concerns and those are outlined in this
10 document and if that's a \$5,000 outpost camp that is
11 going to be accessed by a road, we don't say: Well,
12 that road is going to provide a million dollars worth
13 of timber and your oupost camp is only worth \$5,000 so
14 the decision is made where that road is going through.
15 We try and make that a win/win decision.

16 And that is the great strength of this
17 exercise, and the greater strength is that the first
18 time through, if it's a company unit, is that we don't
19 even do that, the company does it with the tourist
20 operator and we stand back as the honest broker and the
21 monitor and the person watching over it.

22 And the even greater strength, as I see
23 it, is that if we are all in for the long term, the
24 company, is that they know they have to go back to that
25 tourist operator five years now or those anglers or

1 those hunters or whoever they are dealing with, and
2 they know that they can't blind side you this time
3 through because they've got to come back and stand
4 before you and be accountable both to you as an
5 individual and to your association and to your
6 organization.

7 And I believe that is what scares the
8 hell out of the companies right now, and that is the
9 great strength in this exercise.

10 Q. Well, perhaps we will have to wait
11 for other views on that--

12 A. Absolutely.

13 Q. --Mr. Pyzer. Mr. Ward, now Mr. Hogg
14 in his evidence stated on several occasions - I believe
15 it's written in his evidence - that the Ministry's
16 strategy for managing moose is not to use restrictive
17 access, but instead to use more a beneficial means to
18 manage the wildlife population. I think he mentioned
19 the tags and whatever. You recall that?

20 MR. WARD: A. I do.

21 Q. Is this the case with fisheries
22 management, to use access as a management tool -- as
23 one of your primary management tools or not?

24 A. We can use it as a management tool,
25 yes. I wouldn't say it's our primary.

1 Q. So you've come to a different
2 conclusion than the wildlife people in terms of how to
3 get the most beneficial result from the fisheries
4 resource?

5 A. Well, we are talking two different
6 things here in terms of: You're talking a moose
7 population, which in terms of numbers is certainly a
8 lot smaller than the numbers of fish I've got out there
9 to manage, so I couldn't do tag systems for fish or it
10 would be very difficult administratively, and certain
11 fisheries who may have tags, that would be on a smaller
12 localized situation.

13 Q. Are there not a great number of
14 creative means whereby fish populations can be managed
15 other than through restricted access?

16 A. Yes, it's possible.

17 Q. Is it your view that the maximum
18 benefit from the fishery is realized when the optimum
19 sustainable yield from the fishery is harvested?

20 A. Yes, depending on how you define
21 optimum because a lot of people have different
22 definitions of that.

23 MR. PYZER: A. Just to give an example,
24 Mr. Hanna. You know, in the Kenora District Fish
25 Management Plan we made a very conscious decision not

1 to manage at sustained yield, but in fact to manage
2 at -- for high quality fisheries and it certainly is
3 not our intention in many zones to harvest the
4 sustainable harvest.

5 Q. No, and that's why the -- that's in
6 fact why the term optimum sustainable yield was coined;
7 is that not right?

8 MR. WARD: A. That's right. So you can
9 get some of those kinds of value judgments into
10 managing your fishery right.

11 Q. Okay.

12 A. And I think Peter Larkin wrote about
13 that about 10 years ago, saying good-bye to maximum
14 sustained yield.

15 Q. Is it not the case that the benefits
16 drop off when the optimum sustainable yield is
17 exceeded?

18 A. Yes, that's true.

19 Q. And the converse is also true if you
20 don't reach the optimum sustainable yield?

21 A. That's true, that's the theory behind
22 it.

23 Q. And this is a central theme behind
24 SPOF, and perhaps you can tell me what SPOF stands for,
25 SPOF and SPOF 2 which is currently being initiated by

1 your Ministry; is that not correct?

2 A. That's correct, yeah.

3 Q. So perhaps for the Board's --

4 A. Well, that's our strategic plan for
5 Ontario's fisheries. The first plan was developed in
6 1976 and it's just presently being revised and going
7 through a public consultation phase right now.

8 And I believe there is a big workshop
9 coming up with our major stakeholders at the end of
10 this month, I believe.

11 Q. I would like to deal with a specific
12 example here, if I could, for a minute. You're
13 familiar with Trout Lake?

14 A. The one east of Red Lake?

15 Q. Red Falls -- Ear Falls, yes.

16 A. Yes.

17 Q. Approximately how large a lake is
18 this, just in general terms?

19 A. I don't know, several square miles.
20 I'm not too sure about the size of it.

21 Q. Quite a large lake?

22 A. Quite a large lake, yes.

23 Q. It is within your region, though; is
24 it not?

25 A. That's right.

1 Q. So it's within your responsibility?

2 A. Yes.

3 Q. Would you have any idea of what the
4 approximate optimum sustainable yield of Trout Lake is?

5 A. No, I wouldn't.

6 Q. Would you have any idea of whether
7 it's being exceeded or not met with current fishing
8 pressure?

9 A. I understand right now the Red Lake
10 District is doing a creel survey on Trout Lake and I
11 don't think they would be -- they wouldn't be able to
12 provide you with the answer to that until this creel is
13 finished this year.

14 Q. Now, on Trout Lake there are four
15 main lodges; is that correct?

16 A. I believe that's about the number,
17 yes.

18 Q. And I believe Trout Lake is currently
19 under some pressure in terms of road access; is it not?

20 A. I think that's one of the issues,
21 yes.

22 Q. And the tourist industry has a
23 concern about this expansion; is that correct?

24 A. Correct.

25 Q. Now, accepting the proposition for

1 the time being that the current optimal sustainable
2 yield is not being met because of the lack of access,
3 the Ministry is faced with a very difficult tradeoff
4 there; is it not?

5 A. Yes.

6 Q. And you would agree with me that in
7 laying out an access road network one is faced with
8 trading off very significant values, both timber and
9 non-timber, and the benefits can be realized by
10 different Crown land users quite differently?

11 A. Yes.

12 Q. Would you agree with me that it is
13 not an easy problem in any respect?

14 A. I agree with that.

15 MR. PYZER: A. Mr. Hanna, if I could
16 interrupt though, just to clarify one thing that may
17 help you, is that that -- none of what you've just said
18 has any relevance to a timber management plan.

19 And what you're really talking about -
20 and I even hate to suggest it, that we would ever be
21 doing a Class Environmental Assessment on the way the
22 Ministry does fisheries management plans - but those
23 decisions are made in a fish management plan, and the
24 implication for timber is that the timber management
25 plan would simply follow the direction that's laid out

1 in the fish management plan.

2 And I guess I would even go so far as to
3 say the points that you may make - and I don't know
4 what they are going to be - but that they may be
5 relevant. If they are relevant they're relative to the
6 fish management planning process, not to timber
7 management planning.

8 But I would suggest that those decisions
9 are not made in the context of timber management
10 planning and I think it would be a discredit to your
11 clients if you even suggested that it would be a good
12 place to make them, because timber management planning
13 isn't the spot to make fish allocation decisions.

14 That's the whole reason we spent five
15 years doing a fish management plan for every district
16 in northwest Ontario, and we debated whether the trout
17 lakes of the world were going to be road accessible or
18 not road accessible, which lakes were going to be --
19 which lakes we were going to protect the tourist
20 industry, and that was the subject of major, major
21 public consultation.

22 In fact, in my district alone I believe
23 we sent out six and a half thousand of these tabloids
24 on the Kenora Fish Management Plan to every person who
25 had a residence in Kenora District.

1 And I guess the only point I want to
2 make, Mr. Chairman, is those issues have been debated
3 and we now have a decision and that decision is
4 reflected in terms of whether Trout Lake will or won't
5 be accessed, but it's not -- and the only point I want
6 to clarify - and I do want to do this in a positive
7 sense - is just simply to clarify that that's not
8 something we deal with in terms of timber management;
9 that is a given in terms of a public decision and a
10 Ministry decision that how Trout Lake is going to be
11 used or how Lake of the Woods, or how the Winnipeg
12 River System, that's all been debated and a decision
13 has been rendered in terms of a fish management plan.

14 Q. So for the purposes of this Board
15 then, you are saying that for all waterbodies in the
16 area of the undertaking a decision has already been
17 determined in terms of whether or not they should be
18 made road accessible to the public?

19 A. I'm saying in a vast majority of
20 cases, certainly where there's a fish management plan -
21 I can speak best for northwestern Ontario and Kenora
22 District - but by and large absolutely.

23 I can look in any one of these zones in
24 Kenora District and tell you where are the lakes that
25 we do want to put the access roads to, and where we

1 don't, and what the rationale is for that decision, and
2 where the existing tourist operations are, and why we
3 intend to protect those.

4 That's why -- and I guess it relates back
5 to some of our socio-economic discussions, why you
6 wouldn't debate the social economics in the timber
7 management plan because those are decisions which we're
8 implementing via the timber management plan.

9 THE CHAIRMAN: Mr. Pyzer, just on that
10 line - and maybe this is the subject of the next
11 panel - but where there is a fish management plan in
12 existence and you come along at a later date and want
13 to talk about timber management planning, are the
14 decisions reached in the fish management plan, having
15 preceded a timber management plan, binding in the sense
16 that you cannot change those bottom line conclusions by
17 implementing a timber management plan that would change
18 them?

19 MR. PYZER: That's a very good point
20 because in fact where the fish management plan also got
21 its direction from was the District Land Use
22 Guidelines.

23 So certainly if one wanted to, in the
24 context of timber management planning, I suppose you
25 could reopen the debate and, in so doing, would amend

1 the fish management plan and the District Land Use
2 Guidelines. But that would be the process, would be
3 one more of amending because you wanted to focus in on
4 a discussion as opposed to suggesting that by doing
5 timber management planning you're doing fish management
6 planning.

7 In terms of being a resource manager, I
8 would suggest that's irresponsible to do fish
9 management planning in a timber management plan
10 process.

11 MR. HANNA: Q. I just want to make sure
12 I understand this, Mr. Pyzer. Are you saying that the
13 fish management plan would take precedence or not?

14 MR. PYZER: A. Let me give you an
15 example in Kenora District, and I believe it's fish
16 management zone 10. There is a zone there where we
17 have said manage for increased road access and, in
18 fact, there are a number of waterbodies - it's the zone
19 in any event to the west of - it's in that Malachi Lake
20 area and there's a zone there which, for a number of
21 reasons relative to current harvest pressures, there
22 are lakes there - and, again, I stand to be corrected
23 because I haven't got it right in front of me, the
24 appropriate section - but you could access lakes and,
25 in fact, we are going to manage so that when timber

1 access roads go in that zone to in fact locate roads
2 because it will help us achieve the fish management
3 plan objectives which have been discussed with all of
4 the fishermen and the commercial fishermen and the
5 tourist operators in the district over the past five
6 years in terms of where we can meet our fisheries
7 objectives.

8 And that's the other critical thing
9 that's really important here, is that - again, if I can
10 use my district as an example - there is say 20,000
11 people in the district of which, I don't know, maybe
12 half are fishermen. The question is: How much fish or
13 how much water do 10,000 people require.

14 And those are the kinds of subjects that
15 have been debated intensively within here, and there is
16 a target associated with that in terms of two kilograms
17 per angler day which was refined in terms of the
18 district fisheries management plan in terms of things
19 like optimizing resources and in terms of having
20 quality trophy fisheries, and those decisions are now
21 in this document.

22 And to the extent that we can achieve
23 them and integrate the timber management planning with
24 the fish management planning, that's exactly what we
25 will do. And by and large this does give direction to

1 timber management planning because we have debated in a
2 public forum whether the trout lakes of the world or
3 the Dryberry Lakes of the world or the Clearwater Bays
4 of the world are going to be road accessed or not road
5 accessed.

6 And we have debated the lake trout
7 policies and the muskie policies and whether we're
8 over-harvesting walleye and northern pike, and where we
9 are going to keep roads away and where we are going to
10 provide them in order to meet the target for resident
11 anglers in the province.

12 And now we are talking about a timber
13 management plan that we can ride on its coat tails, if
14 you will, relative to access roads to help us to
15 achieve these targets.

16 But we're certainly not going to try in a
17 matter of a year, as a side issue, manage fish in any
18 district because we happen to be doing a timber
19 management plan.

20 MR. MARTEL: How systematic are those
21 plans across the province, fish management?

22 MR. PYZER: I do know that the -- there
23 was a direction that all districts had to have a
24 fisheries management plan and it was within the past
25 year or so.

1 To be honest, I do not know what the
2 current status is province-wide. I do know that every
3 district in northwest Ontario, as an example, has an
4 approved fisheries management plan, but I do not know
5 the status of the --

6 MR. MARTEL: But the purpose ultimately
7 is that they would work in conjunction with timber
8 management?

9 MR. PYZER: Exactly, to provide that
10 direction and -- because these issues that we're
11 talking about in terms of angling and hunting are
12 certainly -- they are major and they are very
13 controversial and this is an example.

14 We talk about SPOF and SPOF 1 and
15 strategic planning and district planning. Well, this
16 is the timber management plan, if you will, for
17 fisheries in any district, and it's essential that they
18 link and I suppose, to the extent that this provides
19 the direction, one could argue I guess that fish maybe
20 got the upper hand by at least having their plan done
21 first and up on the table.

22 MS. BLASTORAH: Mr. Chairman, I would
23 just point out - and Mr. Martel - that the earlier
24 evidence I recall was that fisheries management plans
25 were either prepared or currently under preparation for

1 all districts in the area of the undertaking. I stand
2 to be corrected, but that is my recollection.

3 MR. MARTEL: Is there a target date for
4 finalization of those then, that they all be in place,
5 a certain time factor?

6 MS. BLASTORAH: I certainly can't answer
7 that, Mr. Martel. I don't know whether one of the
8 panel members could or not.

9 MR. WARD: I don't believe there is, Mr.
10 Martel, but I think most of the districts will have a
11 plan in the next year, they will all be finalized. As
12 Mr. Pyzer has said, the northwest region has their
13 plans all approved.

14 MR. MARTEL: Thank you.

15 THE CHAIRMAN: Just to understand this a
16 little bit further, Mr. Pyzer. If you had a timber
17 management plan with an approved fish management plan
18 already in place, would it be open for debate in a
19 timber management plan as to whether or not there
20 should be road access to various lakes when the fish
21 management plan preceding it already determined that
22 there should?

23 MR. PYZER: I believe -- I have not seen
24 that as happened, but I'm certain that that is -- for
25 certain, because the fisheries management plan itself

1 can be amended at any time and any member of the public
2 could request that amendment.

3 So I suppose in the context of the fact
4 that there is timber operations or a timber management
5 plan being proposed, that certainly could be the thrust
6 to suggest: Well, let's take another look at this and
7 possibly amend it.

8 THE CHAIRMAN: But that would be the
9 route?

10 MR. PYZER: It would be an amending
11 process, that's correct.

12 THE CHAIRMAN: Of the earlier plan?

13 MR. PYZER: That's right. Although -- I
14 think I'm understanding what you're saying, in
15 following it through the timber management -- no, you
16 are right, I agree.

17 That's right, you would amend this plan
18 and that would then give its new direction. Because we
19 are talking about the role of a lake and how those fish
20 are going to be managed, and we're really talking about
21 the allocation of fish as opposed to the allocation of
22 trees.

23 MR. MARTEL: How would you amend that
24 plan?

25 MR. PYZER: There is --

1 MR. MARTEL: Is there a formal process?

2 MR. PYZER: Yes, there is. And the
3 process is very, very -- in fact there's a fish
4 management planning manual that's very, very similar to
5 the timber management planning manual. And I would go
6 so far as to say that the vast, vast, vast majority in
7 terms of open houses, public consultation, steps in
8 that process are almost consistent with the timber
9 management planning process.

10 MR. HANNA: Q. Mr. Pyzer, does the
11 public have any course of repeal -- or appeal, excuse
12 me, in terms of a decision that they find unfavourable?

13 MR. PYZER: Q. Yes.

14 Q. What is that, please?

15 A. You know, again, I don't have the
16 manual here in front of me. I can get it for you
17 but --

18 Q. Who is it before, what tribunal?

19 A. Again, I don't have the manual in
20 front of me, but in terms of an appeal I don't know
21 whether that's to the -- you appeal to the Minister
22 himself or herself.

23 MS. BLASTORAH: Mr. Chairman, just a
24 point of clarification. Are we talking now about the
25 fisheries management plan or the timber management

1 plan?

2 MR. HANNA: Fisheries management plan,
3 Mr. Chairman.

4 MR. PYZER: Fisheries, yes.

5 MS. BLASTORAH: Again, Mr. Hanna may not
6 be going much beyond this, but I would just rise
7 because we seem to be getting deeper and deeper into
8 fisheries management planning which is not the subject
9 of this hearing.

10 THE CHAIRMAN: Well, that may well be,
11 but I think it is worthwhile to clarify what Mr. Pyzer
12 has said so as to perhaps obviate a whole line of
13 questioning in this area if in fact it is a different
14 process we are talking about.

15 MS. BLASTORAH: Certainly. That's why I
16 didn't rise before this.

17 THE CHAIRMAN: Well, I think we're all
18 going to rise now for a break.

19 MR. HANNA: Thank you, Mr. Chairman.

20 THE CHAIRMAN: 20 minutes. Thank you.

21 ---Recess taken at 2:40 p.m.

22 ---On resuming at 3:15 p.m.

23 THE CHAIRMAN: Thank you. Be seated,
24 please.

25 MR. HANNA: Mr. Chairman, I have tried to

1 adjust between witnesses and I've found that I have
2 been able to advance very quickly in the questions I've
3 asked so far this afternoon. It may well be that I
4 will be finished before the end of the day tomorrow. I
5 could be finished as early as one o'clock.

6 I just thought I'd bring it to the
7 Board's attention in the event that it is possible to
8 reschedule someone at that time. I realize I went too
9 far this time, I've tried to keep it as concise as I
10 could.

11 THE CHAIRMAN: Well, we have
12 re-examination with Ms. Murphy. Do you want to -- Ms.
13 Blastorah, do you want to -- are you re-examining on
14 this panel?

15 MS. BLASTORAH: Yes, Mr. Chairman.

16 THE CHAIRMAN: Oh, I am sorry. I am
17 sorry.

18 MS. BLASTORAH: I know it has been very
19 confusing between 12 and 13.

20 I have some concern for a number of
21 reasons and I am, like yourself, happy to hear that Mr.
22 Hanna is going to be less than projected, rather than
23 longer, but...

24 THE CHAIRMAN: Are we going to be happy
25 to hear that we may lose the afternoon?

1 MS. BLASTORAH: Well, I must say that the
2 whole panel has taken less time than we anticipated
3 and, as you are aware, there had been some concern that
4 Panel 15 is starting considerably earlier than we had
5 originally anticipated.

6 And I not only rise on my own behalf in
7 terms of my re-examination, but I know Mr. Freidin is
8 obviously not here today for good reason, he is busy
9 preparing to start Panel 15 Wednesday afternoon, and I
10 shutter to think how distressed he will be if I tell
11 him it is now Wednesday morning.

12 THE CHAIRMAN: Well, we certainly don't
13 like to be the harbingers of distress for anybody.

14 MS. BLASTORAH: Not to put all the blame
15 on Mr. Freidin, I certainly would ask that I still not
16 start my re-examination Wednesday morning because
17 obviously I won't have the transcripts from Mr. Hanna's
18 examination which will handicap me somewhat in my
19 preparation and I will require --

20 THE CHAIRMAN: What about starting in the
21 evening?

22 MS. BLASTORAH: On Tuesday?

23 THE CHAIRMAN: If we took the afternoon
24 off?

25 MS. BLASTORAH: That would be a

1 possibility. The only reason I would suggest it might
2 not be necessary is that I have no expectation that I
3 will be more than half a day. So I would have no
4 problem finishing Wednesday morning.

5 And if the Board accepts that it would be
6 difficult for Mr. Freidin to start before Wednesday
7 afternoon with Panel 15, I can certainly undertake not
8 to be longer than Wednesday morning with the
9 re-examination.

10 THE CHAIRMAN: Well, we will think about
11 that, okay?

12 MS. BLASTORAH: I will certainly make
13 every effort to prepare the re-examination as quickly
14 as possible on previous cross-examinations.

15 THE CHAIRMAN: There is a transcript of
16 some comments I made to one of the local media after
17 last week's session dealing with this type of issue
18 that you or other counsel - although you were here for
19 the formal part of the comments, you might like to read
20 it at some point. It deals with the party coming next
21 and being ready to carry on so that we don't lose
22 hearing days.

23 Anyway, I will leave it out here for
24 anyone to cast their eyes on, if they wish.

25 MS. BLASTORAH: Mr. Chairman, as I

1 indicated, I do have some re-examination that I could
2 proceed with Tuesday evening. My only concern is that
3 it may be unnecessary to do that.

4 THE CHAIRMAN: Okay, we will deal with
5 that perhaps later today or early tomorrow morning.

6 Thank you, Mr. Hanna. We always like to
7 hear that we are moving along quicker than anticipated
8 and we will take whatever steps are necessary to ensure
9 that following parties cooperate to the extent that we
10 save some overall time in this hearing.

11 MR. HANNA: Q. Mr. Pyzer, before the
12 break you were going to examine Exhibit 16 and come
13 back with your comments.

14 Can we look on page 72, and I would ask
15 you first for your comments on the first sentence of
16 the last paragraph on that page.

17 MR. PYZER: A. Sure. If you read it in
18 the context of that whole discussion, a couple of the
19 points that I would make -- and certainly Dean
20 Baskerville is not here so I'm having to read in what
21 he meant. As I --

22 Q. Just before you continue, I don't
23 want your interpretation of what he meant, I want your
24 opinion as a resource manager, your interpretation of
25 those words, your interpretation as part of your

1 personal -- your professional opinion as to how you
2 feel they apply?

3 A. Sure, but it's within the context
4 that he made the statement and I believe - and this is
5 what I was going to say - is that I believe he is
6 talking about forest management versus timber
7 management.

8 He's talking about planning in doing
9 forest management that you're doing all of -- and in
10 terms of optimizing benefits, he's talking about
11 exactly what we were discussing prior to the break, and
12 that is that you would in fact - and this is where I
13 say I'm not sure what he meant by these terms - but as
14 I read them, he is saying that within the context of
15 doing forest management you do fish management
16 planning, you do wildlife management planning.

17 And I'm suggesting to you that as the
18 Ministry we do have these other resource management
19 plans and that's why we call this document timber
20 management planning as opposed to forest management.
21 That would be the one thing I would say.

22 Secondly, he wrote this in 1986, and I
23 believe most of the work was done in '85, and that was
24 prior to things like the entire fisheries management
25 planning exercise being initiated and being completed,

1 and that's why, in terms of agreeing or not agreeing
2 with his statement, is the context is totally
3 different.

4 We do have a fish management plan which
5 is giving direction; we're not doing a forest
6 management plan which is attempting to optimize all of
7 these other programs because we have entire planning
8 processes in place for them.

9 Q. So you're saying that what MNR does
10 now bears a strong relationship to the substantial
11 technical subject of optimization?

12 A. No, I'm not saying that. I'm just
13 trying to give you the context within which -- you
14 know, I understand exactly what he's saying and this is
15 why I have some difficulty with it -- with some of the
16 points in terms of optimizing.

17 You know, if you want a simple answer I
18 can generally agree with what he's saying. I don't
19 have a problem with that because I understand it within
20 the context with which he said it and what we're doing
21 today.

22 Q. Okay. Can we move then to the last
23 sentence in paragraph 2 and perhaps -- I think that's
24 been read into the record before, I don't think it
25 needs to be read in again.

1 A. Yes.

2 Q. I would simply like to get your view.
3 Do you feel that optimization tools can greatly
4 facilitate the thinking process?

5 A. If you were doing it in the context
6 of forest management planning, yes.

7 Q. And the Ministry of Natural Resources
8 does not practice forest management planning; is that
9 what you're saying?

10 A. The title of this document is timber
11 management planning and there's a great distinction
12 between the two.

13 Q. Yes. And I'm asking you, where is
14 forest management planning practised by the Ministry?

15 THE CHAIRMAN: Well, hold on, hold on.
16 We are not going into the whole distinctions that we
17 ascertained at the outset of this hearing between
18 forest management -- an undertaking dealing with forest
19 management and an undertaking dealing with timber
20 management.

21 We canvassed that to some considerable
22 degree at the outset and we are looking here at the
23 impacts of timber management or activities concerning
24 timber resources on the other uses of the forest as
25 opposed to looking at the impacts from all other uses

1 of the forest.

2 MR. HANNA: Mr. Chairman, perhaps for my
3 clarification, it has come up before and it might
4 expedite things. Is that a decision that's been
5 reached by the Board or -- I'm just wondering, is that
6 not open for any further debate, is it a decision, a
7 ruling by the Board?

8 I'm trying to see -- I'm thinking
9 particularly in terms of my own case.

10 THE CHAIRMAN: Is what open for what?

11 MR. HANNA: These interpretations of what
12 is forest management and what is timber management,
13 whether you can separate the two, that whole -- I don't
14 want to open that ball -- or deal with that ball of wax
15 right now, but I'm asking: Are you suggesting that I
16 should not deal with that at all in my
17 evidence-in-chief?

18 THE CHAIRMAN: I'm suggesting that you
19 can deal in your evidence-in-chief or you can deal in
20 any of your cross-examinations with the impacts of the
21 timber management activities before this Board
22 centering upon harvesting, access, regeneration and
23 maintenance and how those activities might impact
24 against any other forest resources or uses?

25 MR. HANNA: Or how they might be planned?

1 THE CHAIRMAN: How those activities
2 dealing with the timber management might be planned,
3 yes; the planning process dealing with them.

4 MR. HANNA: Right. The whole problem
5 of --

6 THE CHAIRMAN: But we are not assessing
7 by way of an environmental assessment all other uses of
8 the forest.

9 MR. HANNA: Yes, I appreciate that, Mr.
10 Chairman.

11 THE CHAIRMAN: To do so, firstly, would
12 create a problem in that this EA was prepared on an
13 entirely different basis; and, secondly, I would
14 venture to say if we did it the other way around; in
15 other words, looked at an environmental assessment of
16 the entire uses of the forest, per se, we would never
17 finish this case.

18 Looking at one set of activities dealing
19 only with timber management may take this Board the
20 better part of two and a half or three years. And I
21 don't know about you, Mr. Hanna, but certainly for the
22 Board that is probably a sufficient length of time.

23 MR. HANNA: I think I have given my views
24 on the purgatory, Mr. Chairman.

25 Well, that helps. I think it is best for

1 us to leave that in terms of whatever presentation we
2 make at that time. Suffice it to say that the whole
3 concept of integrated resource management, in fact, as
4 the guiding rule in timber management planning does
5 complicate things somewhat. I will have to deal with
6 that later.

7 Q. Mr. Ward, I'm back to the five inputs
8 that we discussed right at the very outset of the panel
9 and the fifth one was the matter of environmental
10 costs. Do you remember that?

11 MR. WARD: A. Yes, I do.

12 Q. Can you tell me how I would go about
13 using the evidence that you prepared to estimate the
14 environmental costs to the aquatic environment from
15 road construction?

16 A. I think it would be very difficult to
17 determine costs in terms of -- I think in terms of your
18 client group, I assume you are looking at what the
19 impacts would be on an angling fishery.

20 Q. Just to clarify, Mr. Ward, the
21 Ontario Federation of Anglers & Hunters is not
22 concerned solely with angling and hunting, it's
23 concerned with the conservation of natural resources,
24 so it's a very broad --

25 A. Okay. Well, the point is that we

1 talk about certain impacts like, for example, sediment
2 on the aquatic environment and it would be hard to
3 relate some -- the impacts on a resource that you don't
4 have a dollar value for. So I don't know. In terms of
5 environmental costs, I think it would be very difficult
6 to try and come up with cost figures.

7 Q. What do you mean when you say we
8 don't have a dollar cost on it? I wasn't quite certain
9 of that.

10 A. Well, it's -- you know, for example,
11 you know, what's a population of Johnny Darters worth
12 in a particular water body. I mean, how would you put
13 a dollar value on it. We want them to continue to
14 exist. If we lose them because we destroy their
15 habitat, we've lost that population. What is the cost
16 to society, how would you put a dollar value on it.

17 Q. Would I be able to use your evidence
18 to predict if we were going to lose the Johnny Darter
19 population?

20 A. It's possible, yes. We are talking
21 about some of the impacts that could have damage to the
22 aquatic environment and depending on the magnitude of
23 it and the frequency of it and so on, the impacts could
24 possibly lose populations of fish certainly, stocks of
25 fish.

1 Q. No, no, I don't think there is any
2 question, we all realize that that is a possibility,
3 that is why we are here.

4 A. Mm-hmm.

5 Q. I think the question is: How would I
6 go about predicting that? Taking the evidence that you
7 have brought forward on forest access roads, how would
8 I take the evidence that you have and use that to come
9 to some conclusion as to whether I might lose the
10 Johnny Darter population?

11 How would I predict that; how would I
12 apply it?

13 A. Well, again, you would have to look
14 at -- we are not even talking about the prediction of
15 the magnitude of the impact, we are just talking about
16 the potential effect of it. I think you would have to
17 get into a more site-specific thinking to start looking
18 at what the impacts are going to be and what the costs
19 would be.

20 Q. So your evidence would not be
21 applicable?

22 A. No, I don't think so.

23 THE CHAIRMAN: Mr. Ward, in the
24 formulation of the fishery guidelines, hasn't some of
25 that been taken into account for the protection of

1 critical fish habitat in the sense that any activity
2 are bound by the guidelines, particularly in the area
3 of critical fish habitat, supposedly on the premise
4 that if you didn't abide by the critical fish
5 requirements for habitat you would in fact get into a
6 situation where the population of that particular fish
7 specie could be in jeopardy?

8 MR. WARD: That's right, mm-hmm.

9 MR. HANNA: Q. Mr. Ward --

10 THE CHAIRMAN: So going back to your
11 question, Mr. Hanna, there has been some prediction, I
12 would suggest - and you might either deny or confirm
13 this, Mr. Ward - in formulating the rules or the
14 guidelines concerning critical fish habitat in the
15 first place--

16 MR. WARD: Yes.

17 THE CHAIRMAN: --i.e., the necessity of
18 having to put those kinds of rules into place?

19 MR. WARD: That's right, mm-hmm.

20 MR. HANNA: Q. Is it your view, Mr.
21 Ward, that the application of the Fish Habitat
22 Guidelines will lead to no impacts on aquatic
23 eco-systems?

24 MR. WARD: A. The Fish Habitat
25 Guidelines?

1 Q. Yes.

2 A. Including the road guidelines as well
3 in that?

4 Q. Yes.

5 A. I think so.

6 Q. No impact?

7 A. Well, I don't know in terms of what
8 you define in terms of an impact that would have any
9 effect on the viability of stocks of fish. The intent
10 is not to destroy any fish habitat and maintain the
11 viability of all fish stocks.

12 Q. Did you not just tell me a moment ago
13 that that is a very site-specific issue that you can't
14 answer on a broad general basis?

15 A. Well, I think in terms of general, we
16 are talking about potential impacts and effects and we
17 are talking about the guidelines that are going to
18 minimize and mitigate those.

19 MS. BLASTORAH: Well, Mr. Chairman, I
20 think he's asked him two different questions. He asked
21 him, first of all, whether he could say what the
22 impacts would be, and Mr. Ward answered that question,
23 and then he asked him: Was he satisfied as a
24 professional that these guidelines would protect those
25 particular values, and he answered those questions.

1 But I don't think the second answer
2 relates back to the first question. I don't think
3 there is inconsistency there.

4 THE CHAIRMAN: Well, with respect Ms.
5 Blastorah, I think one of his questions was to the
6 effect that even if you applied the guidelines, both
7 sets, would there be any impacts on the fisheries, and
8 Mr. Ward's response was there may be an impact, but
9 certainly since the intent of the guidelines is to
10 maintain all viable fish populations, there wouldn't be
11 the type of impact expected that would cause a problem.
12 Is that essentially what you...?

13 MR. WARD: Exactly.

14 MR. HANNA: Q. So if I can say then that
15 you expect there may be some impact but it's of such a
16 nature that it won't affect the viability of the
17 population; is that what you're --

18 MR. WARD: A. That would be our intent,
19 yes.

20 Q. Would it affect the productivity of
21 the population?

22 A. You mean in terms of maximum
23 sustained yield, in terms of that term? I don't expect
24 it would affect that in terms of, you know, longer
25 term. There may be some short-term impacts, I don't

1 know.

2 Q. There may be some short-term impacts?

3 A. In terms of a construction activity
4 you may have some impacts that might occur in -- you
5 know, for -- like a growth rate of a fish stock may be
6 diminished in a certain -- one point in time in a year
7 or something, but it may recover when the eco-system
8 recovers or whatever, produces the same amount of food
9 maybe the same level of production later on.

10 These are hypothetical things. It would
11 be hard to answer. I don't want to say either one way
12 or the another; it may or may not occur.

13 Q. But you had to answer them to decide
14 upon the appropriate--

15 A. Right.

16 Q. --guidelines?

17 A. Right. And that is -- and the answer
18 I gave you was that we should be protecting, we using
19 these guidelines, all critical fish habitat and the
20 productivity of different stocks of fish.

21 Q. I asked Mr. Pyzer if he had read
22 Exhibit 586 which is this Telman, Black and Victor
23 paper. Have you read it?

24 A. I don't believe I have. I've looked
25 at the transaction journal and I have read some of the

1 papers in there, but I don't know that one particularly
2 and I don't remember that one right now. I probably
3 have to look at the paper again to see whether I have
4 read it or not.

5 MS. BLASTORAH: Well, Mr. Chairman, I
6 just have some concern. I don't want to interrupt Mr.
7 Hanna again, but given Mr. Ward has indicated that he
8 doesn't even remember whether he's read it or not, so I
9 think to put it to him at this time and attempt to
10 question him on it, whether or not he may have read it
11 at some point in the past, I don't think it would be
12 fair to do that without giving him ample opportunity to
13 review it again.

14 MR. HANNA: Mr. Chairman, I appreciate
15 Ms. Blastorah's objection. There is obviously some
16 validity in it. I am in a bit of a predicament
17 in that I flew in this morning, and I think the Board
18 appreciates that my client and I are under some
19 considerable pressure to comply with the burden that
20 this hearing puts on us, and I have not in any way
21 attempted to, if you will, put the witness in an
22 awkward position.

23 What I would suggest is that I have this
24 article and two others that I will not go into in
25 technical detail and great detail - there has to be a

1 profound understanding of it - that I would suggest
2 that I put to the witnesses and let them look at it
3 over this evening and then I could ask the questions to
4 them tomorrow morning.

5 THE CHAIRMAN: Okay. Under the
6 circumstances, have you got anything planned for
7 tonight, Mr. Ward?

8 MR. WARD: I guess I do now.

9 MS. BLASTORAH: Mr. Chairman, I don't
10 have a problem with that, except insofar as the
11 witnesses are really the ones that have to decide the
12 level of understanding they have to have of the
13 articles in order to answer the questions.

14 And Mr. Hanna may feel he's asking
15 relatively superficial questions based on the article,
16 but obviously the witnesses --

17 THE CHAIRMAN: Well, we won't get into
18 that in any event until tomorrow. So if you wouldn't
19 mind perusing the articles tonight, Mr. Ward, then you
20 can hold your questions until tomorrow morning.

21 MR. HANNA: Thank you, Mr. Chairman.

22 Q. Mr. Pyzer, I believe earlier you
23 mentioned that you had reviewed and commented on a
24 draft of the paper published also in that transcript
25 for that proceeding -- excuse me.

1 MR. PYZER: A. I'm sorry, I had
2 reviewed and commented on?

3 Q. I believe so. I believe you said
4 that the paper by Mr. Usher was reviewed by the
5 Ministry.

6 A. Oh yes, he prepared it for our
7 district -- well, he prepared the study report, the
8 major thick document and then, of course, when he
9 required our approval before he could have that
10 abstract printed, so he sent it up to us and said --
11 he first asked us for our approval to submit it and
12 then, of course, when he wrote it he sent it up and let
13 us read it and said: This is what I am going to be
14 putting in, do we have any problems with it.

15 Q. Okay. I am going to ask you some
16 questions on that paper, if I might.

17 A. Again, I don't have it with me, if
18 you have got a copy.

19 MS. BLASTORAH: Mr. Chairman, may I just
20 ask Mr. Pyzer how long it is since he's had an
21 opportunity to review that and whether he feels
22 comfortable dealing with it without having an
23 opportunity to review it.

24 MR. PYZER: At least beginning to try and
25 be helpful, I will try and answer the questions right

1 now. It is almost ten years old.

2 MR. HANNA: Yes. (handed)

3 THE CHAIRMAN: Very well, Exhibit 807.

4 ---EXHIBIT NO. 807: Article entitled: Economics
5 Applications, Ontario Lake of the
6 Woods Fishery: Economic and
7 Social Analysis, by A. J. Usher.

8 MR. HANNA: Q. Now, perhaps, Mr. Pyzer,
9 before I ask you questions on this, just to put in
10 context why I am putting this forward - perhaps this is
11 as much benefit for the Board and other intervenors
12 also - is this deals with fisheries and while the
13 impacts of fisheries might be a substance of this
14 hearing; fisheries management, per se, is not.

15 The reason I want to bring this forward
16 is that, in my view, there are certain parallels
17 between some of the issues you are faced with in
18 fisheries management and timber management and I would
19 like to go through this and see if you agree with that.

20 So that is the essence. I don't want to
21 talk about fisheries management because that clearly is
22 not within the scope of this hearing. Okay.

23 Can we turn to page 353, please. Now,
24 the first full paragraph there starting with:

25 "The allocation of the Ontario Lake of

1 the Woods fishery..."

2 MR. PYZER: A. Yes.

3 Q. That basically sets out, if you will,
4 resource allocation problems the Ministry is faced with
5 in respect to this fishery; does it not?

6 A. It was at that time, that's right.

7 Q. Yes, at that time. Now, the types of
8 issues here in terms of the players and their concern
9 about resource-based -- while this is fisheries many of
10 those could also be transferred to forest or timber
11 management; could they not?

12 A. Yes. Although, again, there is very
13 little competition for wood because that allocation has
14 been made.

15 Q. Yes, I appreciate that. I think in
16 terms of the spinoffs from timber management in terms
17 of the access problem, I am thinking particularly about
18 this panel in terms of road access, many similar type
19 problems.

20 A. Although that is significantly
21 different than the problem was here. Here we were
22 talking about the trees, if you will, and we were
23 talking about a large number of interests who in fact
24 believed they had a right to those trees. In this case
25 they happened to be fish, some believed they had an

1 aboriginal right, a treaty right; others crossed over a
2 boundary from the United States and believed that -- in
3 fact they told us they believed Lake of the Woods was a
4 giant state park and they had a right to those fish
5 because they had fished them forever.

6 That is significantly different from what
7 we are talking about in terms of forest, is
8 significantly different.

9 Q. Yeah, I agree with that. I think
10 what I am getting at is more the interaction of the
11 user groups. I appreciate that that, if you will,
12 ownership -- the difference in ownership concept, but
13 the matters of trying to resolve conflicting wishes of
14 user groups.

15 A. All right. Yes.

16 Q. Now, in the following paragraph there
17 is five objections -- or objectives of the study?

18 A. Mm-hmm.

19 Q. Now, do you see those also being
20 relevant if you put that in a timber management
21 context?

22 A. You know, it really is difficult. It
23 really is difficult because we really are dealing with
24 apples and oranges here, but you would have to ask me
25 more questions because I can't draw too many parallels.

1 Q. Okay. Can we turn to page 363, then,
2 please.

3 A. 363?

4 Q. Yes, please. I would like you to
5 look at Table 2 there.

6 A. Yes.

7 Q. I think you are probably familiar
8 with it because it was included in the study from which
9 this was drawn; is that not correct?

10 A. That's correct, yes.

11 Q. As a resource manager do you find
12 this type of information useful in reaching decisions
13 on management alternatives?

14 A. Well, to some extent, yes, but the
15 first thing that catches my mind is where -- you see
16 below the table there it says:

17 "Table 2 is an "apples and oranges"
18 compilation..."

19 And if you -- just quickly glancing
20 across that, you can see all of the problems that the
21 authors here are saying that they have:

22 "Due to study limitations, it had to be
23 assumed for evaluation purposes...."

24 They even --

25 "Because harvest changes in some basins

1 might be more extreme...evaluating
2 alternative allocations...tended to be
3 underestimated."

4 They themselves list all below here the
5 problems that they get into doing this, and then the
6 bottom line conclusion is we are dealing with apples
7 and oranges. But to the extent that you can compare
8 apples and oranges, that is what it shows you, yes.

9 Q. Is that not what resource management
10 is all about?

11 A. Yeah, sometimes.

12 Q. Is that not what makes resource
13 management challenging?

14 A. Sure is.

15 Q. By not doing this type of analysis,
16 can you avoid the assumptions that are listed in this
17 paragraph or is it simply you ignore them?

18 A. No. In fact this -- you know, don't
19 misunderstand me, that is why we did this study; it
20 provided us with some tremendous insights.

21 The dilemma, of course, is that we're
22 dealing with a commercial fishery on Lake of the Woods
23 that has been in existence for a couple of hundred
24 years and if you look at it from a purely economic
25 perspective you can say: Geez, there's no reason why

1 there should be a commercial fishery on Lake of the
2 Woods.

3 And if you want to deal with it in cold,
4 hard economic terms, you can say: Sure, the sport
5 fishery is worth ten times, but forgets about the fact
6 that there have been commercial fishermen on the lake
7 for five and six generations, that's -- and you can't
8 deal with it callously.

9 Sure it's a value, but the immediate
10 thing -- what we did after this was in fact allocate
11 that resource to the commercial fishermen to say that
12 on a willing seller/willing buyer, if we want you off
13 the lake we will buy you off.

14 And certainly that is the direction that
15 we are moving toward, but we are not saying that anyone
16 is out of a job. We recognize that there is some
17 social benefits there, as the authors themselves even
18 indicated in terms of spinoffs, they could not
19 determine how important it was for -- you know, when
20 you look at the economics there on that table.

21 And that is why they are saying it's so
22 difficult here: What is the value in this restaurant
23 tonight if you go and have walleye for dinner at the
24 restaurant downstairs. That wasn't computed into these
25 figures because they had difficulty looking at spinoff

1 benefits and multiplier effects and secondary effects
2 and so they were cautious.

3 But nevertheless, yes, by and large when
4 you look at it in economic terms tourism angling is
5 more important from the kind of gross economic terms
6 than is commercial fishing, but you have to be careful
7 when you say that.

8 And then, of course, there are political
9 considerations that, regardless of the fact that sport
10 fishing may be economically more important, politically
11 people -- the government is prepared to say: We will
12 have a commercial fishery on the lake.

13 Q. Mr. Pyzer, just to make it clear, I
14 am not here trying to debate whether or not it should
15 be commercial or sport fishing on Lake of the Woods.

16 A. I am not either.

17 Q. I am really more interested in the
18 methodology, rather than --

19 THE CHAIRMAN: Well, Mr. Hanna, that is
20 exactly I believe what Mr. Pyzer is dealing with, he's
21 dealing with the fact that you can have economic hard
22 data, but you have to take into account some of these
23 other things, and that's the methodology that the
24 Ministry uses and it's not enough just to put
25 everything and try and plot it out economically.

1 Is that the gist of your testimony?

2 MR. PYZER: Exactly.

3 MR. HANNA: Q. Does not the far right
4 column provide a summary of, if you will, non-economic
5 factors?

6 MR. PYZER: A. That's correct. The far
7 right -- if I remember this correctly, the far right is
8 dealing with social benefits as opposed to economic;
9 that is -- my understanding and recollection, on the
10 far right is not a summation of the left, it's that it
11 deals with those things that you could not quantify, so
12 you talk about the importance of those sorts of things
13 that I was talking about, the intrinsic values.

14 So, again, I stand to be corrected here,
15 but I don't believe the far right is summarizing those
16 six or seven columns on the left, I believe it's
17 summarizing the social benefits as opposed to the
18 economic.

19 Q. Right, that is my interpretation
20 also. What I was simply saying was, the left-hand side
21 is, if you will, the hard economics--

22 A. Mm-hmm.

23 Q. --the right-hand side is these other
24 soft things which you described?

25 A. Yeah.

1 Q. So they are both presented there?

2 A. That's correct.

3 Q. Is it your view, Mr. Pyzer, that
4 public consultation in resource management decisions is
5 important, be it fisheries management or timber
6 management?

7 A. Yes, absolutely.

8 Q. Can we turn to page 364, please. I
9 think it's probably easier -- the last paragraph on the
10 right-hand column describes how the report was used in
11 terms of public consultation; does it not?

12 A. That's correct. That is the author's
13 opinion, yes.

14 Q. Could you read the last sentence in
15 that paragraph that starts with:

16 "Some of the suggested..."

17 A. "Some of the suggested management
18 directions were implemented, but
19 generally only those most in keeping with
20 current managerial thinking were pursued
21 and implementation was more often by
22 administrative fiat than a result of
23 public discussion."

24 Q. Has there been a drastic change in
25 the Ministry since this article was published in 1987?

1 A. Absolutely.

2 Q. Can we look at the last paragraph,
3 the last sentence and I ask you to read that, please,
4 starting with:

5 "Yet social scientists..."

6 MR. PYZER: A. I am sorry, page...?

7 Q. 365.

8 A. 365.

9 Q. The last sentence in the article
10 before the acknowledgements.

11 A. "Yet social scientists and resource
12 planners can help the political process
13 work better by laying out the available
14 policy options and their global and
15 distributional impacts in the clearest
16 possible terms for the benefit of those
17 making the ultimate decisions."

18 Q. And I take it you would agree with
19 that?

20 A. Absolutely.

21 Q. Would you agree that quantitative
22 expressions of global and distributional impacts is
23 clearer than subjective terms?

24 A. I am sorry, would you repeat that?

25 Q. Is it your view that quantitative

1 descriptions of global and distributional impacts
2 provide a clearer description than subjective,
3 narrative terms?

4 A. Usually that is true if you can do
5 that, but certainly not always. And, again, I go back
6 in this case to that commercial fishing issue and, if
7 you want -- you know, if you want to pursue: Did in
8 fact we take it to the ultimate decision-makers, I can
9 assure you we do.

10 I don't think I can tell you what the
11 Minister of Natural Resources told me and our staff,
12 but I can tell you --

13 Q. I can probably imagine.

14 A. I can't tell you, but I wouldn't be
15 sitting here today before you had I done some things.

16 Q. Mr. Ward --

17 MR. WARD: A. Mm-hmm.

18 Q. Much of your evidence on this panel
19 deals with the environmental effects of erosion and
20 sedimentation on water quality and fish habitat; is
21 that correct?

22 A. That's correct, yes.

23 Q. I believe you were here in Panel 7
24 and I believe -- when you were here in Panel 7 -- when
25 you were here in Panel 7, Mr. Williams discussed with

1 you a letter that you wrote to the letter of the North
2 American Lake Management Society Newsletter; is that
3 correct?

4 A. That's right.

5 Q. There is a number of other pieces of
6 correspondence that went with that; is that not
7 correct?

8 A. You mean the article itself in the --

9 Q. Well, I don't believe the article was
10 ever entered into evidence.

11 A. No. Is that what you are referring
12 to?

13 Q. Yes.

14 A. Yeah.

15 MR. HANNA: Mr. Chairman, I would like to
16 enter the article and the response to that.

17 (handled)

18 THE CHAIRMAN: Thank you. Exhibit 808.

19 ---EXHIBIT NO. 808: Article entitled: Rationale for
20 forest reserves around lakes,
 published in Lake Line, Vol. 3(2).

21 THE CHAIRMAN: Mr. Hanna, are you
22 distributing what, a letter as well?

23 MR. HANNA: Yes. There is two items go
24 with it, Mr. Chairman.

25 THE CHAIRMAN: The letter dated October

1 14th, 1983 will be Exhibit 809.

2 ---EXHIBIT NO. 809: Copy of letter to Ms. Judy Taggart
(Editor) Lake Line from J.E.
3 Hanna, dated October 14, 1983.

4 MS. BLASTORAH: How many copies of that
5 did you provide to the panel? It may be that both Mr.
6 Pyzer and Mr. Ward would like one.

7 MR. HANNA: Oh sure.

8 Q. Now, Mr. Ward, Exhibit 367 was your
9 letter to the editor. I just want to confirm that your
10 letter to the editor related to Exhibit 808 which is an
11 article that you wrote in Lake Line; is that correct?

12 MR. WARD: A. Yes, my letter was in
13 response to your letter to the editor regarding my
14 article in Lake Line, right.

15 MS. BLASTORAH: Mr. Chairman, that
16 article which is Exhibit 808 was in fact part of
17 Exhibit 367.

18 THE CHAIRMAN: Well, thank you, Ms.
19 Blastorah, but we will keep it with a separate number
20 for this part of the testimony.

21 MS. BLASTORAH: Fine.

22 MR. HANNA: Q. 809 is my letter
23 regarding your article which you responded to with your
24 letter?

25 MR. WARD: A. That's correct.

1 Q. The conclusions that you reached in
2 your article in Lake Line in Exhibit 808, are they
3 still valid today in terms of the impacts of forestry
4 activities and particularly those of erosion and
5 sedimentation on fish?

6 MS. BLASTORAH: Mr. Chairman, that exact
7 question was asked by Mr. Williams in Panel 7. At
8 transcript page 9802 and 9803 he referred Mr. Ward to
9 the document which is now Exhibit 808 and asked him:

10 "Could you advise the Board what your
11 professional opinion was at the time that
12 you wrote that letter?"

13 And Mr. Ward answered that, and then he
14 went on to say:

15 "If this hearing was held..."

16 Oh, I beg your pardon, it may be that --
17 I would have to review the transcript in some detail.
18 I know there was some discussion of that document and
19 Mr. Ward's opinion of it. I may have been premature.

20 THE CHAIRMAN: This may be a question
21 that doesn't take much time, even if it was earlier
22 dealt with.

23 MR. HANNA: Mr. Chairman, maybe for the
24 witness' benefit and for the panel, I have read that
25 transcript quite carefully. I believe the questions

1 put to Mr. Ward at that time was with respect to the
2 aquatic surveys that were being done and whether or not
3 they were adequate to make decisions at this point, and
4 I believe Mr. Ward responded to that and said that his
5 opinion had not changed and that it was the same now as
6 it was in '83, and I believe he went on to say that --
7 that it had in fact been dealt with in the timber
8 management planning process through the minimum
9 information requirements in the Fish Habitat
10 Guidelines.

11 That was, if you will, the context of
12 that line of questioning that took place and that is
13 not the line of questioning I wish to pursue at this
14 time.

15 MS. BLASTORAH: Mr. Chairman, I may have
16 been premature. Obviously I haven't had a chance to
17 review it because I wasn't aware we were going to be
18 discussing it.

19 THE CHAIRMAN: Okay. Well, let's get on.
20 Go ahead.

21 MR. HANNA: Q. Do you remember the
22 question, Mr. Ward?

23 MR. WARD: A. You asked me about the
24 impacts or whether my feelings are the same about the
25 impacts of sediment on the aquatic environment.

1 Q. Well, I will read it again. Are the
2 conclusions you reached in this paper still valid today
3 in terms of the impacts of timber management activities
4 and particularly the impacts related to erosion and
5 sedimentation on fish?

6 A. Well, the potential impacts are still
7 the same in terms of, you know, for example, Figure 2
8 where it says that:

9 "As fine sediment in a spawning bed
10 increases, the alvan or the fry emergence
11 declines."

12 I mean, those kinds of impacts are still
13 valid. There isn't anything there that would change in
14 terms of -- you know, in terms of five years since I
15 wrote this.

16 But since then we've developed -- and
17 this is one of, you know, the concerns I've had in the
18 past and one of the reasons why I got involved with
19 developing the road guidelines, to try and minimize the
20 amount of sediment that's entered into the
21 watercourses. Is there any specific--

22 Q. Yes, I am just...

23 A. --question that you want on this?

24 Q. I think it's easier to take it one
25 step at a time. I really want to know if there is

1 something you are violently opposed to now that you had
2 written in 1983?

3 A. I'd probably have to read it all
4 again, but just scanning it I don't think there's any
5 that I'm violently opposed to right now.

6 Q. All right. In your witness statement
7 on page 42, paragraph 43.

8 MS. BLASTORAH: What paragraph?

9 MR. HANNA: 43.

10 Q. Now, you indicate there that the
11 occurrence of sedimentation can be prevented or
12 mitigated; is that correct?

13 MR. WARD: A. That's correct, by using
14 the following practices outlined in various guidelines
15 and manuals.

16 Q. And prevented means that no impact
17 whatsoever occurs; is that correct?

18 A. That's correct.

19 Q. And mitigated means there is some
20 impacts occur but they are reduced?

21 A. Generally, yes.

22 Q. And to decide upon the appropriate
23 level of reduction one must make some sort of
24 prioritization in terms of, if you will, the value of the
25 resource versus the cost to mitigate?

1 A. Yes, that's true.

2 Q. And would you agree that's a very
3 site-specific type decision?

4 A. Yes.

5 Q. Can we look at the graph on page 3,
6 it is in Figure 1. There are three graphs there, I
7 would like to look at the one in the middle, it's on
8 fish production.

9 A. Right.

10 Q. Now, my reading of that graph is
11 that -- my interpretation of this graph is that, if you
12 will, every piece of sediment that gets into the
13 waterbody has some impact, it's a clinal response; is
14 it not, it's not a threshold response?

15 A. Yes, as you read that graph.

16 Q. Is that your view of how fisheries
17 respond to turbidity?

18 A. I think on a general sense that may
19 be occurring, but there is also natural erosion in
20 turbidity and you'd have to look at the system and the
21 site-specific conditions for that to occur.

22 This is something produced by U.S.
23 Department of Agriculture and it's more of a general
24 type of relationship for a whole bunch of different
25 probably fisheries that they looked at in the United

1 States.

2 Q. But if we had this sort of a graph it
3 is very useful to predict what different levels of
4 mitigation might result in?

5 A. That's possible, yeah. The main
6 impact in terms of turbidity as it increases would
7 probably be on photosynthesis of -- because they're
8 basically talking suspended sediment there when you're
9 talking turbidity and, therefore, you are reducing the
10 amount of light penetration and, therefore, the amount
11 of -- sort of the primary production that occurs in a
12 waterbody, and if you reduce that you would expect a
13 fish being further down the food chain to be reduced in
14 terms of --

15 Q. So that exhibits itself in fish
16 production?

17 A. Right.

18 Q. All right. Are you aware of
19 techniques available to predict the consequences of
20 those types of changes?

21 A. You mean as turbidity increases you
22 get fish production declining?

23 Q. Yes, changes in photosynthesis and,
24 therefore, fish production decline.

25 A. Well, I'm aware of some literature

1 that talks about that, yes.

2 Q. So in arriving at your conclusion
3 that sedimentation impacts can be mitigated, implicit
4 in that is a tradeoff, if you will; in other words, an
5 appropriate level of mitigation?

6 A. Yes, so that the impact wouldn't be
7 causing, you know, declines in fish production.

8 Q. You wouldn't go too far down that
9 line?

10 A. That's right, mm-hmm.

11 Q. Have you ever used the universal soil
12 loss equation?

13 A. I haven't used it at all.

14 Q. You're aware of it?

15 A. I've heard of it, yes.

16 Q. Could it be applied in this type of
17 situation?

18 A. I don't know. I wouldn't want to
19 speculate on that, whether it could be or not. I don't
20 know the limitations of that equation and...

21 Q. How did you decide what was an
22 acceptable level of mitigation when you were working on
23 the guidelines for environmental protection -- I
24 haven't got the appropriate words, but...

25 A. On the road guidelines?

1 Q. Yes.

2 A. Well, basically our approach is to
3 minimize the amount of sediment going into the stream.
4 I would like to have a zero discharge if it was at all
5 possible. I think there are very -- and I think that's
6 the intent from an engineering point of view too, they
7 want to keep this sediment further on the road and not
8 going into the stream. And I think that was Mr.
9 Adamson's evidence, that good engineering is good
10 environmental practice as well and I would agree with
11 that.

12 So I think in some cases -- and, as well,
13 you'd have to look at natural background levels in the
14 stream to see what impacts are.

15 I believe in the Ministry of Environment,
16 even with turbidity, one of their water quality
17 criteria is not to exceed it by 10 per cent turbidity
18 levels from water quality and we'd certainly -- you
19 know, that's a kind of objective from a water quality
20 viewpoint we would want to try to achieve as well. I
21 can't say here that we're --

22 Q. I don't disagree with what you've
23 said, but you would agree with me that mitigation costs
24 money?

25 A. It could, it depends on how -- in

1 some ways it may not cost any money. For example, one
2 of the main mitigation techniques we talk about in the
3 guidelines are to leave the trees right up to the
4 roadbed and don't cut the trees, like, narrow the
5 right-of-way width as you approach the water,
6 so you don't have, you know, the big drainage ditches
7 running directly into the watercourse and taking
8 sediment with it.

9 And I was asked -- I saw a picture of one
10 of the members on our committee that helped develop the
11 road guidelines, the industry fellow representing --
12 from Algonquin, and he showed me a picture of a bridge
13 where the trees were in tact in all four corners.

14 And I said: Well, it must have cost you
15 a bit more money to install that bridge because you
16 got -- you know, in terms of moving your machinery
17 around, and he actually told me, he said he thinks it
18 cost less because they didn't have to remove the trees.

19 So, you know, to just make a general
20 statement that mitigation costs money, I think
21 generally probably is true, but there are exceptions
22 where it may not and, in some ways, as Mr. Adamson
23 testified earlier, that you do it right up front it's
24 going to cost you less in the long run.

25 So some mitigation techniques for keeping

1 sediment on site and not having ditch erosion starting,
2 which may affect the integrity of the roadbed later on,
3 may in the long term cost you less.

4 Q. Would you agree that the acceptable
5 level of mitigation is likely to vary substantially
6 across the area of the undertaking based upon the
7 nature of the waterbody and various other things?

8 A. Yes, and depending on the soil,
9 erodibility of the soil, exactly.

10 Q. Is it your view that the public has a
11 major role to play in deciding what level of impact is
12 acceptable or, conversely, what level of mitigation is
13 necessary?

14 A. I believe so, yes.

15 Q. Can we turn to page 4 of your
16 article, Exhibit 808.

17 A. You said page 4?

18 Q. Yes. Oh, I'm -- yes, it's page 4.
19 Yes, it's the second page of the exhibit.

20 A. Okay.

21 Q. And I'm looking at the second
22 paragraph under Figure 4, it starts with:

23 "Water crossings..."

24 A. Yes.

25 Q. It speaks specifically to the

1 substance of your evidence here?

2 A. Yes, it does.

3 Q. Now, how did you decide on the
4 conclusion that you reached there that additional
5 control techniques such as diversion berms and filler
6 cloths might be necessary?

7 A. Well, that's based on what I observed
8 in the field. Basically there were some water
9 crossings that should have had those types of
10 mitigation techniques employed to keep sediment on the
11 land and -- the soil on the land and the sediment out
12 of the water.

13 Q. And how -- I appreciate, I think, you
14 know, that we are all faced with those sort of
15 problems, but how do you know that filler cloths and
16 diversion berms would be adequate; in other words, give
17 sufficient protection to the resource that I think you
18 are very concerned about?

19 A. Well, again, I guess it's depending
20 on the site-specific nature of it in terms of slopes
21 and soil and erodibility, and I think in terms of road
22 builders, as they get start using these road guidelines
23 and get more experience with the different techniques,
24 that we will know what techniques are most effective
25 for certain situations.

1 Q. Now, in your witness statement and in
2 this article you referred to the article by Mattice?

3 A. Yes.

4 Q. And I assume it's an article?

5 A. Right. And I added -- and it was
6 also added or appended to my evidence package.

7 Q. Correct. Have you gone back in an
8 attempt to analyse Mattice's results to determine
9 whether the proposed techniques with the new guidelines
10 would provide adequate protection, at least for those
11 examples that he looked at?

12 A. Do you mean, did I go back and look
13 at the sites mentioned in Mattice's article?

14 Q. Yes.

15 A. No, I haven't. But whether you think
16 that I feel that some of the erosion concerns that
17 Mattice had mentioned, whether the road guidelines --
18 if the road guidelines were used at that time, whether
19 they would alleviate a lot of the erosion concerns --
20 or sites that Mattice had seen, I think the road
21 guidelines would have minimized or mitigated a lot of
22 those examples.

23 I don't know how many of them were
24 actually near water, how many he looked at, he looked
25 at all of them, I guess, along the whole roadway. But

1 certainly in some of the sites that were near water, I
2 would expect using the road guidelines would
3 minimize -- provide mitigation for that erosion.

4 Q. You have raised an interesting point
5 here. You have indicated in Mattice's results that
6 erosion did not occur only at water crossings; is that
7 correct?

8 A. Mm-hmm, I believe that's right.
9 There were other sites.

10 Q. The erosion that Mattice looked at
11 was water erosion; was it not?

12 A. You mean surface erosion, like
13 runoff, is that what you're talking about? erosion
14 caused by --

15 Q. I'm talking about the examples that
16 Mr. Mattice included in his document?

17 A. Mm-hmm.

18 Q. Those were water erosion?

19 A. As opposed to wind erosion?

20 Q. Wind or mass movement or whatever?

21 A. Right, right, right.

22 Q. Erosion problems related to roads not
23 at water crossings, can they have impacts on the
24 aquatic environment?

25 A. If you include water crossings with

1 wetlands and that type of thing, I would say no,
2 because normally it doesn't go very far, and normally
3 is revegetated and stabilized, so it's a shifting of
4 soil from one area to another, like a certain cut slope
5 it goes from -- the road would slope down into a basin
6 beside the road or something like that and it fills up
7 with sediment.

8 The trouble with when you're next to
9 water crossings is if it goes in the water, the water
10 takes it away from that site and moves it downstream
11 and has impacts, it doesn't stay and settle out there.

12 Q. Mr. Adamson, the time for erodible
13 material to settle out of suspension, is that a
14 function of particle size?

15 MR. ADAMSON: A. Yes, it is.

16 Q. Could fine particles travel for long
17 distances in suspension?

18 A. Yes, they remain in suspension longer
19 I think.

20 Q. So as an engineer, is it conceivable
21 to you that erosion not at a water crossing would
22 result in runoff with higher suspended solids loads
23 entering a watercourse?

24 A. Not necessarily, it depends on where
25 that storm water runoff goes.

1 Q. I didn't say necessarily, I said is
2 it possible?

3 A. Is it possible? Near a watercourse,
4 yes, runoff -- turbid runoff could enter the
5 watercourse.

6 Q. And the distance over which that
7 impact is likely to be felt would be a function of the
8 particle size of the native soils?

9 A. Particle size, the slope of the
10 ground, the vegetative cover that might be on the
11 ground.

12 Q. Thank you. Mr. Ward, have you
13 undertaken any monitoring or pilot-skilled tests or
14 predictive analysis even to confirm that the proposed
15 level of mitigation in the guidelines is adequate?

16 MR. WARD: A. In terms of the road
17 guidelines, we've -- some of the mitigation techniques
18 have been installed, and in terms of direct observation
19 in the field to see whether that erosion is continuing
20 or whether sediment is still entering the watercourse,
21 we've observed that hasn't occurred so that the
22 technique has worked.

23 Q. When you say observed; is this, if
24 you will, a windshield survey type of thing, or are you
25 talking about a controlled experimental study?

1 A. No, I am talking about going -- you
2 know, getting out of the vehicle, and not necessarily
3 looking through the windshield, and seeing if there is
4 any gully erosion or rill erosion or that type of thing
5 implying that erosion is still occurring.

6 I mean, you have to assume if you are
7 near a watercourse and you can't see where the sediment
8 has entered up that has entered the water, in some
9 cases you can see where it has entered and it may be
10 deposited in the water and you can see, you know, areas
11 that are covered with sediment..

12 So if you don't see that kind of thing, I
13 am assuming that the erosion techniques are working. I
14 don't need to necessarily set up sediment traps and
15 that type of thing to prove whether sediment is still
16 coming off the site.

17 Q. When you make those comments, Mr.
18 Ward, you are speaking about the coarse fraction of any
19 material that might be eroded; is that correct?

20 A. Well, and also fines, because if you
21 get some fines moving, I think you would see rill
22 erosion on the site, you would see some evidence of
23 eroding soils.

24 Q. Which sites is it that you are basing
25 your opinion on?

1 A. Probably several sites that I have
2 looked at in northwestern Ontario.

3 Q. Can you be more specific?

4 A. Paintpot Creek on English River Road
5 is one example, probably the Confusion River is
6 another. Mr. Adamson probably has some other ones
7 because he is the major, you know, one of our road
8 builders and he's working with industry and road
9 builders to implement these techniques.

10 Q. And just for future reference,
11 Paintpot Creek and Confusion River, are there only one
12 crossings there, so if I wanted to go out and look at
13 those sites, those are very--

14 A. Yes.

15 Q. --that's sufficient direction for me
16 go...

17 A. On the English River Road, yes, you
18 would able to find that. And if you want to have
19 somebody arrange to visit those sites with you, I'm
20 sure it can be arranged.

21 MR. CASSIDY: Can you find Confusion
22 River?

23 MR. HANNA: It's confusing.

24 MR. WARD: And I also should mention that
25 some of our monitoring programs will be discussed in

1 Panel 16.

2 MR. HANNA: No, I appreciate that. Thank
3 you.

4 Mr. Chairman, how late are you planning
5 on sitting this afternoon? I don't want to terminate
6 now, but I am quite prepared -- I have spent quite a
7 bit of time getting this prepared, and I would like to
8 deal with this as quickly as possible and it might be
9 useful to take maybe 10 minutes for me just to...

10 THE CHAIRMAN: Okay. Why don't we take
11 the late afternoon break at this point.

12 MS. BLASTORAH: Mr. Chairman, could I
13 just get some projection as to how long Mr. Hanna
14 expects he will be.

15 As I understood this morning, I was to
16 attempt to have re-examination ready to go tomorrow
17 evening, if that's required, and I think that I can do
18 that, but I would just like to know where I am going to
19 stand this evening.

20 MR. HANNA: Mr. Chairman, can I respond
21 to that after the break?

22 THE CHAIRMAN: Okay. We will take 20
23 minutes.

24 ---Recess taken at 4:20 p.m.

25 ---On resuming at 4:50 p.m.

1 THE CHAIRMAN: Be seated, please. We
2 have got an empty chair.

3 MR. HANNA: It's going to be full
4 shortly, Mr. Chairman.

5 MS. BLASTORAH: Mr. Chairman, perhaps
6 just before we get started, I mentioned to you at the
7 break that the issue of scheduling a scoping session
8 for Panel 16 had not yet been addressed and just so it
9 doesn't slip my mind, I was wondering if I could raise
10 that now.

11 I know that time is getting short and
12 with the Dryden community hearing coming up people will
13 be at various locations and so on, so I was suggesting
14 that perhaps if we could set a date as soon as possible
15 for the other parties to have their statements of issue
16 in, perhaps it might be possible to schedule the
17 scoping session before the Dryden hearing.

18 If, for instance, we could ask the
19 intervenors to have their statements of issue in on
20 Tuesday, which is our next sitting day, or Monday, we
21 might be able to schedule the scoping session the end
22 of next week.

23 THE CHAIRMAN: Well, that doesn't leave
24 them much time for the ones that haven't yet got them
25 in. I'm not sure from Mr. Mander what we've received

1 to this point.

2 MS. BLASTORAH: My understanding is we
3 haven't received any. I don't believe any date was
4 set, that's the problem.

5 THE CHAIRMAN: No, but to set a date
6 for -- well...

7 MS. BLASTORAH: Well, perhaps then we
8 could set the date for receiving the statements of
9 issue the end of next week, that might be more
10 reasonable, and set the scoping session itself
11 immediately after the Dryden hearing.

12 THE CHAIRMAN: I think that would
13 probably be more reasonable for some of the parties who
14 aren't in attendance on a full-time basis.

15 MS. BLASTORAH: We certainly want
16 meaningful statements of issue and so I don't want to
17 attempt to set it too soon.

18 THE CHAIRMAN: All right. So why don't
19 we direct that the date for submitting statements of
20 issue -- when is your statement of issue getting in,
21 your statement of issue is actually part of the witness
22 statement.

23 MS. BLASTORAH: That's right.

24 THE CHAIRMAN: So that's already in.
25 All right. All the other parties will submit their

1 statements of issue --

2 MS. BLASTORAH: Perhaps by September 14th
3 which is next Thursday. Would that be --

4 MR. CASSIDY: No, that's this Thursday.

5 MS. BLASTORAH: Oh, that's this Thursday,
6 I beg your pardon.

7 THE CHAIRMAN: Well, that would be the
8 21st would be the following Thursday.

9 MS. BLASTORAH: Yes.

10 MR. CASSIDY: I would suggest the 25th,
11 Mr. Chairman. It just enables us to have a day in
12 Toronto on the 22nd.

13 THE CHAIRMAN: All right. That sounds
14 reasonable. So let's have them submitted by the 25th
15 of September and then the Board will schedule a scoping
16 session some time that week when we get back.

17 --Discussion off the record

18 THE CHAIRMAN: All right. We will try
19 and set the scoping session for the 4th of October or
20 at the latest the 5th, but the statements of issue
21 should be in by September 25th.

22 MS. BLASTORAH: Thank you, Mr. Chairman.

23 THE CHAIRMAN: And we will have Mr.
24 Mander send out a notice to the parties listed.

25 MS. BLASTORAH: Thank you.

1 MR. CASSIDY: A small detail. Inasmuch
2 as you will be in Dryden on September the 25th, could
3 Mr. Mander simply indicate the parties are to forward
4 their statement of issue to the Board at their offices
5 in Toronto.

6 THE CHAIRMAN: Very well.

7 MS. BLASTORAH: And just for
8 clarification, my recollection was that the original
9 Board's order required those to be served on the
10 Ministry or the parties, I am not just sure what the
11 detail was, but I know that there was some confusion
12 the last time because some of the statements of issue
13 went to Mr. Mander only and we didn't receive them.

14 THE CHAIRMAN: Well, it is certainly the
15 Board's intention that the statements of issue should
16 be distributed amongst the full-time parties, the
17 parties receiving full-time correspondence, the Board
18 and the Ministry as well.

19 MS. BLASTORAH: That was my recollection.
20 I just wanted to make that clarification.

21 MR. CASSIDY: I refer you to your order
22 regarding the statement of issues on November 25th,
23 1988, paragraph 2(a) states indeed that:

24 "All parties are to serve their statement
25 of issues on all other parties receiving

1 full-time correspondence and file a copy
2 with the Board."

3 THE CHAIRMAN: Right.

4 MS. BLASTORAH: Thank you, Mr. Chairman.

5 MR. HANNA: Mr. Chairman, I have had an
6 opportunity to briefly go over my cross-examination.
7 At this time - and now I have had some experience with
8 this panel, the types of answers that I think I can
9 expect - I think it is reasonable to be finished by one
10 o'clock tomorrow. That would be my best estimate at
11 this time.

12 THE CHAIRMAN: Okay. And have you had
13 any opportunity, Ms. Blastorah, to speak with Mr.
14 Freidin?

15 MS. BLASTORAH: Mr. Chairman, I have
16 conveyed the message that we are certainly speeding up
17 over here to our office over there, and I can advise
18 from my point of view I can be ready with some
19 re-examination tomorrow.

20 Certainly I can't guarantee that I will
21 be able to complete tomorrow frankly, because obviously
22 I will have to request some time to prepare
23 re-examination based on tomorrow morning's cross and
24 given that I had projected a half day re-examination, I
25 can certainly do some tomorrow night, whether or not I

1 can complete my cross-examination --

2 THE CHAIRMAN: Well, we are not going to
3 sit tomorrow night if in fact you are not going to
4 finish tomorrow, and in fact Mr. Freidin isn't prepared
5 to go on first thing Wednesday morning.

6 If it's a matter of losing tomorrow
7 afternoon or losing Wednesday morning, then I think we
8 would sit Wednesday morning.

9 MS. BLASTORAH: I think --

10 THE CHAIRMAN: And then have Panel 15
11 commence immediately after lunch. And that's based on
12 the premise that you are going to finish Wednesday
13 morning.

14 MS. BLASTORAH: Certainly I will
15 undertake to be not more than half a day in
16 re-examination.

17 At this point I frankly can't speak for
18 Mr. Freidin, whether he could be ready to go Wednesday
19 morning, but at this point perhaps it would be best to
20 leave it until tomorrow morning so that after reviewing
21 Mr. Hanna's cross-examination from today I can have
22 some better sense of whether I could undertake to
23 complete tomorrow and, again, that would depend on what
24 time I could get started.

25 THE CHAIRMAN: Okay.

1 MR. HANNA: Mr. Chairman?

2 THE CHAIRMAN: Mr. Hanna, under the
3 circumstances, how much longer do you want to go today
4 in order for you to finish by one o'clock tomorrow?

5 MR. HANNA: I would suggest we go to
6 5:30, twenty to six, something like that, Mr. Chairman.

7 THE CHAIRMAN: Very well.

8 MR. HANNA: That's what I was
9 anticipating.

10 THE CHAIRMAN: Okay.

11 MR. HANNA: Mr. Chairman, there was one
12 matter that came up in my discussions with Mr. Pyzer
13 and I have now had a chance to discuss with my client,
14 and I would ask that Mr. Pyzer provide me with greater
15 clarification of this and that is this matter of the
16 opportunity for public appeal to an independent body
17 with respect to fisheries management.

18 THE CHAIRMAN: Well, he didn't indicate
19 necessarily it was an appeal to an independent body, he
20 indicated that his understanding in the fisheries
21 planning process that there was an appeal to somebody,
22 it might well be to the Minister or an official of the
23 Ministry, but he didn't indicate clearly that it was to
24 and independent body.

25 Now, certainty it isn't to this Board as

1 the independent body, to my knowledge.

2 MR. HANNA: Yes, I understand. No, I
3 don't think it is to this Board to my knowledge either,
4 Mr. Chairman. I guess what I would like is if I could
5 simply get clarification of that appeal process,
6 because I believe it does have some bearing on the
7 nature of...

8 THE CHAIRMAN: Well, I believe that's
9 contained in the Fish Management Guidelines and
10 certainly, Ms. Blastorah, you could undertake to
11 provide a copy of those guidelines if Mr. Hanna doesn't
12 have them.

13 MS. BLASTORAH: I think we can arrange
14 for that. I am not sure how quickly I can get it here,
15 but Mr. Pyzer can perhaps comment on that.

16 MR. HANNA: It is not something I need
17 right now, Mr. Chairman. I am quite willing to wait.
18 It is just simply a matter I would like to get
19 clarified at some point in the future.

20 MS. BLASTORAH: I think I prefer to deal
21 with it that way because obviously that is not the
22 subject of this hearing, that appeal procedure, that
23 might be more expeditious.

24 THE CHAIRMAN: Okay. Very well.

25 MR. HANNA: Q. Mr. Ward, I would like to

1 continue on with this Lake Line article if you would,
2 please. I'm looking on page 4, the second last
3 paragraph. Perhaps it's best if you just read that
4 first sentence in that paragraph, the one that starts
5 with:

6 "As governments progress..."

7 MR. WARD: A. "As governments progress
8 towards more integrated resource
9 management, watershed management will be
10 required to fully reconcile the
11 objectives of fish, wildlife and forestry
12 programs."

13 Q. Are you still of that view?

14 A. Basically I am, yes.

15 Q. The governments that you are
16 referring to, would that include the Ministry of
17 Natural Resources?

18 A. Certainly.

19 Q. Now, the timber management planning
20 process that is before this Board at the present time,
21 is there a watershed planning framework that's used in
22 that to the best of your knowledge?

23 A. No.

24 Q. So it would not respond to the type
25 of thing -- the statement you have made here?

1 A. Not in terms of watershed, no. They
2 have a different unit for their area in terms of timber
3 management plans. For fisheries, of course, I am more
4 interested in the watershed.

5 Q. I can understand that. You will
6 agree with me that the reason that watershed planning
7 is very important from a fisheries and aquatic point of
8 view is because of the cumulative nature of aquatic
9 system impacts?

10 A. Exactly.

11 Q. Are you aware that the matter of
12 cumulative environmental impact of forestry is a matter
13 of extensive discussion currently in other
14 jurisdictions?

15 A. Yes, I am. In terms of -- you are
16 talking about things like the Carnation Creek studies
17 done in British Columbia, is that the point you're...?

18 Q. That is certainly one example of a
19 watershed study in looking at forestry practices.

20 A. Right.

21 Q. Now, that Carnation Creek that you
22 referred to that in fact was, if you will, somewhat
23 comparable to the Hubbard Brook type situation that we
24 have heard reference to here before?

25 A. That's correct.

1 Q. So it is a scientific monitoring
2 site?

3 A. Exactly.

4 Q. As opposed to a planning type...

5 A. Right. And that will be more of the
6 focus of discussion for Panel 16.

7 Q. Are you aware of responses by other
8 jurisdictions not just in terms of collecting the
9 scientific data, but also in terms of modifying their
10 planning process to deal with cumulative impacts?

11 A. You mean in terms of some of the
12 processes the U.S. Forest Service is going through
13 right now?

14 Q. Certainly that would be an example.

15 A. I know some of it, yes.

16 Q. Now, in the current timber management
17 planning process, how do you see these types of
18 cumulative impacts being dealt with in terms of -- I am
19 just dealing with the aquatic environment here?

20 A. Well, we are trying to avoid any
21 impact occurring, so we hopefully won't get any
22 cumulative impacts. Like, in downstream we are looking
23 at maintaining water quality and that's -- our Fish
24 Habitat Guidelines sort of addresses that.

25 With the waters that we are to look at

1 and be concerned with and in terms of our water
2 crossing guidelines, they would -- all water crossings
3 would be -- the guidelines would apply to all our water
4 crossings. So hopefully we don't get any impacts on
5 any particular site and we don't get a cumulative
6 impact downstream.

7 Q. Do you know if the U.S. Fish and
8 Wildlife -- or the U.S. Forestry Service have
9 environmental guidelines comparable to those used by
10 the Ministry of Natural Resources?

11 A. In terms of the road guidelines?

12 Q. Yes.

13 A. I'm aware of some of the guidelines
14 that have been produced. One of the first steps that
15 we took in terms of developing these guidelines was to
16 canvass or at least obtain copies of other guidelines
17 from other jurisdictions, and actually I had written, I
18 think in about 1983, to all the states and provinces
19 asking for any copies of their guidelines regarding
20 their roads and water crossings and we used some of
21 that material that I have got to help develop our road
22 guidelines.

23 Q. And yet they still are moving forward
24 in terms of dealing with cumulative impacts despite the
25 presence of those guidelines; is that not correct?

1 A. I am not sure of that.

2 Q. Mr. Ward, just for your reference,
3 one of the articles that I will be tendering here at
4 the end of the day deals in fact with this very issue.

5 A. All right.

6 Q. So I think what I will do is I will
7 let you read that and then perhaps we can pursue it
8 further.

9 A. Okay.

10 Q. Now, you mentioned that you sent
11 letters to all provincial agencies and federal agencies
12 in Canada and U.S. or a large number of them?

13 A. Mm-hmm. We didn't get responses from
14 all of them. We must have got about a dozen or so
15 responses and copies of guidelines from other
16 jurisdictions.

17 Q. Did you make a request to Ontario
18 Hydro?

19 A. We had some discussions with some
20 provincial agencies, I don't know whether Ontario Hydro
21 specifically, I know MTC, we talked to them extensively
22 on road building. I don't remember if we got anything
23 from Ontario Hydro.

24 Q. Do you have any knowledge of the
25 predictive tools used by Ontario Hydro to assess the

1 aquatic environment impacts of Hydro right-of-way water
2 crossings?

3 A. No, I can't say I am. I may have
4 looked at some documents but I can't remember whether
5 I -- that particular one.

6 Q. Would you expect that there would be
7 similarities between equipment and materials being
8 moved through streams through construction of a Hydro
9 right-of-way and during construction of a forest access
10 road?

11 A. I couldn't -- I would expect them to
12 be different, but since I don't really build roads and
13 I don't build right-of-ways, I am not the person to ask
14 the question.

15 Q. Mr. Adamson, would you?

16 MR. ADAMSON: A. I would expect that
17 right-of-way construction would be different than
18 building access roads. There is perhaps not a
19 long-term need for a crossing of the river, it's more
20 or less to get in to build the structure initially,
21 however, the maintenance is done with all-terrain
22 vehicles and checking is done with helicopters and
23 things.

24 Certainly this past summer there has been
25 some access road construction by Ontario Hydro in our

1 area and we have made it a condition of approval that
2 they follow these guidelines here and they have agreed
3 to do so.

4 Q. But in terms of the actual impacts, I
5 appreciate and I understand that you use these
6 guidelines for Hydro right-of-ways in addition to
7 forest access roads, but in terms of the types of
8 impacts -- at least the short-term impacts - and I am
9 speaking here of erosion and sedimentation - you can
10 get erosion and sedimentation whether it's a machine
11 working on a Hydro right-of-way or a forest access
12 road?

13 A. Oh yes, the potential is there.

14 Q. And you could have the same -
15 perhaps, Mr. Ward, you are better to answer this
16 question - and you could potentially have the same
17 types of impacts in terms of removal of vegetation,
18 loss of shading and those types of effects?

19 MR. WARD: A. That is true.

20 Q. Mr. Ward, I would like to obtain your
21 comments on several things in Exhibit 809, and can we
22 look at the last sentence on the first page. I am
23 sorry, on the last paragraph. Excuse me, I am sorry.

24 MR. WARD: A. On the first page? Okay.

25 Q. The last sentence on the first page,

1 please, yes.

2 A. Where it starts with:

3 "No mention..."

4 Q. Yes. Now, do you interpret this
5 criticism as being the lack of a connection between
6 timber harvesting and forest access, the suggested
7 fisheries impacts, and the effectiveness of the
8 mitigative measures which are recommended in your
9 article which are forest reserves?

10 MS. BLASTORAH: Mr. Chairman, I just want
11 to clarify something. This Exhibit 809 is a letter
12 from Mr. Hanna. Is he asking Mr. Ward to interpret
13 what this comment is intended to mean?

14 MR. HANNA: Mr. Chairman, I think
15 obviously it's a bit of a difficult position to be in
16 asking the witness -- I was not intending to ask the
17 witness what my interpretation of the letter I wrote
18 was.

19 What I was intending is to ask how he
20 interpreted it, and the reason I am asking that
21 question is that he actually responded to this letter
22 in Exhibit 367, and I want to determine how he
23 interpreted that letter -- that sentence in then
24 referring to Exhibit 367.

25 THE CHAIRMAN: Okay. It's fair game.

1 MR. WARD: I am just going to have to
2 read a little bit more than just that last...

3 THE CHAIRMAN: Well, you may have to also
4 refer to Exhibit 367.

5 MR. WARD: That is what I want to do as
6 well.

7 THE CHAIRMAN: Do we have 367 up here?

8 MR. HANNA: It was on the list, Mr.
9 Chairman.

10 THE CHAIRMAN: It was on the list.

11 MR. HANNA: (handed)

12 MR. WARD: Okay. Your question was
13 regarding that last sentence?

14 MR. HANNA: Q. Yes. I want to know if
15 you interpreted that as being a criticism, lack of
16 connection between timber harvesting and forest access,
17 the suggested fisheries impacts and the effectiveness
18 of the mitigative measures which are recommended in
19 your article which is Forest Reserves Around Every
20 Lake?

21 MR. WARD: A. Well, basically, I -- when
22 I read that -- just re-read that sentence, I thought
23 your comment was referring to there hasn't been a
24 quantitative relationship between harvesting and the
25 generation of sediment, erosion just from harvesting.

1 And my reply was saying that we cannot
2 separate logging roads from timber harvest and I know,
3 because you need the roads to get the timber out, and
4 some of the studies - and I believe Ms. Seaborn asked
5 me and cross-examined last week that the -- is my main
6 concern with water crossings sediment generation and
7 does it make more of an impact than harvesting and I
8 agreed with that.

9 And some of the literature that I have in
10 my evidence also speaks to that as well, that there is
11 probably more sediment generated from water crossing
12 road building than there is from actual harvesting and
13 I think generally from what I have seen that has
14 occurred.

15 And I think in terms of my comment that
16 the time before we had Fish Habitat Guidelines approved
17 and the fisheries branch policy for using minimal
18 information approved, there was a concern on my part
19 that we were going to allow shoreline cutting all over
20 the place and, if we did do that, then we might see
21 more erosion and sedimentation along the shorelines of
22 lakes and it may be, in some cases, equal or more so
23 than what we are getting from water crossings.

24 So that is why I made that comment.

25 Q. What evidence do you have for

1 developing that opinion?

2 A. Just my field observations and what I
3 have read in some of the literature too, that would
4 support what I have observed in the field.

5 Q. And that literature is referenced in
6 your witness statement?

7 A. Yes, somewhere. Yeah.

8 Q. Now, can we turn to Exhibit 367,
9 please. I am looking at the first paragraph in your
10 letter.

11 A. Mm-hmm.

12 Q. And specifically the last sentence.
13 Could you read that, please.

14 A. That is: "However...?"

15 Q. Yes.

16 A. "...to properly evaluate these
17 impacts would probably cost more than the
18 timber and the reserves were worth
19 especially if other users such as
20 wildlife and tourist operators were
21 included."

22 Q. Do you still hold this position --
23 opinion?

24 A. Well, I know in terms of the
25 monitoring program it's to evaluate some of the

1 impacts, is going to cost a fair bit of money and I
2 think Panel 16 will talk in terms of the scope of that,
3 the monitoring program.

4 I know our Ministry has proposed that as
5 a term and condition and we are looking at that. And
6 in terms of the timber in reserves, I would think,
7 again, it would have to be a site-by-site type of
8 thing. In some cases the timber may be worth more but,
9 in other cases, I think the study itself is going cost
10 more than what you can get out in terms of timber
11 reserves.

12 Q. Are you suggesting that these studies
13 be required on every site?

14 A. No, we are not, I am not suggesting
15 that. I am just -- we are going to be doing, you know,
16 some studies or monitoring program over selected areas
17 to be representative of the area of the undertaking and
18 the fisheries values that are there.

19 Q. Well, doesn't your opinion here
20 really hinge on the word properly?

21 A. Yes. It does.

22 Q. What do you mean by properly in this
23 context?

24 A. Well, I am talking probably long-term
25 studies, it's not something you can go out and evaluate

1 in a year or anything. I am talking about doing some
2 before to get some -- to know what the natural
3 ecosystem -- there is natural variability in the
4 eco-system, so we are talking probably three to five
5 years of baseline monitoring to find out what natural
6 variability is occurring and then you do your
7 perturbation, you do your cutting of the shoreline and
8 then it takes probably five or six years to evaluate
9 the impacts, especially if you are going to look at the
10 impacts on the fish of a population because it may
11 take, you know, five, six, seven years before those
12 fish that may be impacted at the fry or egg stage, you
13 will see it reflected in the angling fishery.

14 So it's a long-term study and also there
15 is a lot of variables to consider in terms of slope,
16 soil types, types of machinery used to get a really
17 good evaluation of what the kind of impacts you would
18 expect.

19 So that is why -- you are right, properly
20 is probably why I was looking at that in terms of cost.

21 Q. And given how you have just defined
22 properly, you are still of the view then that this
23 would cost more than the timber is worth?

24 A. In those reserves. I am not saying
25 in terms of the timber in all the area of the

1 undertaking, just in terms of the reserves. We are
2 talking, you know, 30 to 90 metres of standing timber
3 and if we are looking at trading that off to try and
4 get the information to say we are going to need those
5 reserves, I am just wondering from, you know, a total
6 provincial budget perspective whether it's worth it or
7 not.

8 THE CHAIRMAN: As opposed to just leaving
9 the reserves in place?

10 MR. WARD: Right, exactly.

11 THE CHAIRMAN: You are not suggesting for
12 a moment that you do the cutting without the
13 appropriate studies?

14 MR. WARD: No, I am not, no.

15 MR. HANNA: Q. No, I think the point --
16 maybe I didn't interpret your article properly. When
17 you said a reserve around every lake, I interpreted
18 that, and I believe your terminology is actually used
19 somewhere, is a doughnut.

20 MR. WARD: A. Yes, that's term that's
21 being referred to, yes.

22 Q. Now, the Fish Habitat Guidelines
23 don't propose doughnuts?

24 A. No, they don't. But we also propose
25 that you have a certain amount of information before

1 you give up the doughnut so you know where your
2 critical fish habitat is, you know what fish species
3 are present.

4 Q. But you won't be able to do the
5 prediction until you have done these proper studies
6 that you have referred to in your letter, you don't
7 know -- you're right, isn't what you have just told us
8 in the description is that we really don't know right
9 now what we have whether that will be adequate?

10 A. We don't know whether the guidelines
11 are adequate to protect the values we think they are
12 protecting, that is true, that is why we are proposing
13 a monitoring program.

14 I think, in general, the gut feeling from
15 the literature and everything, developing the
16 guidelines, that if you use them you will be
17 protecting, but we want to monitor and evaluate it.
18 Maybe we are tying up too much timber, it works the
19 other way as well, maybe we don't need as much timber
20 as we say we do to protect the values we need.

21 So the forest industry, of course, is
22 interested in that angle. And I am looking and
23 interested, maybe we need more timber to protect the
24 values. I would like to know that.

25 Q. This raises a question I am sure that

1 you face on a daily basis in your job as a biologist
2 and; that is, what action to take in the face of
3 uncertainty, the absence of adequate information and
4 yet a decision has to be reached at that particular
5 moment. It's a problem you face regularly?

6 A. Yes, it has been, yes.

7 Q. Do you find that --

8 A. Before you answer the question -- or
9 ask the question, the fish policy in terms of minimum
10 information helps solve some of that quandary that
11 district biologist and regional biologist are facing.

12 Q. Right. There is two types of
13 problems you are faced with; the one is knowing what
14 resource is there to be impacted?

15 A. Mm-hmm.

16 Q. The second is to know how the
17 activity will impact on that resource?

18 A. Yes.

19 Q. I am really dealing with the latter,
20 and I appreciate the minimum information policy and I
21 can say from the Federation of Anglers & Hunters point
22 of view that is probably one of the reasons why we have
23 adopted to support the Fish Habitat Guidelines.

24 But we still have this problem of trying
25 to make that gap between the activity and the impact on

1 the resource. Now, what I am asking you: In the face
2 of that sort of a situation -- facing that type of
3 situation, do you find systematic analysis using the
4 best available literature is often very useful?

5 A. Certainly in reading the literature
6 and understanding what kind of impacts have occurred
7 with different, you know, harvesting, road building,
8 scarification and so on you can -- it doesn't take too
9 much imagination or thought to realize that those
10 impacts could occur as well in Ontario.

11 Q. Well, it becomes very complex. I
12 think you have said over and over, and the Board has
13 heard it on regular occasions, it's a very
14 site-specific type of situation?

15 A. Yes.

16 Q. Every situation is different?

17 A. Yes.

18 Q. So you have got this problem of
19 trying to take a general type of feeling and apply it
20 to a site-specific situation?

21 A. Yeah, but basically we are lumping
22 most of the timber management activities, whether it is
23 harvesting or whatever, we have got -- to protect
24 critical fish habitat, we are talking about
25 establishing a reserve and the same would apply for

1 scarification. So we sort of -- you know, I don't know
2 whether we really have to know that, you know,
3 harvesting will have a greater or lesser impact, for
4 example the sediment generation, than scarification if
5 it's occurring both on that site.

6 We would put a reserve up to protect that
7 critical fish habitat from timber harvesting from
8 scarification, from prescribed burning or whatever.
9 That is the purpose of it, we want to maintain the
10 reserve for that purpose.

11 Q. But to know whether that reserve is
12 adequate and I am back to this cause/effect sort of a
13 thing --

14 A. Right.

15 Q. It's very hard to know if you haven't
16 either got historical experience that you can draw on,
17 scientific imperical type of data, or some kind of
18 predictive analysis; is that not correct?

19 A. That's true, mm-hmm. But I think our
20 monitoring program is going to be looking at the
21 different types of timber management activities and
22 looking at those impacts and, therefore, the need of
23 different types of mitigation because you may be able
24 to have harvesting to the shoreline in some cases with
25 no scarification as a condition.

1 Right now we are basically saying, you
2 are not going to have any harvesting, you are not going
3 to have any scarification because we have got a reserve
4 in place.

5 So we are looking at it from that point
6 of view as well and there is different types of
7 scarification you could use that may have less of a
8 water quality impact than others.

9 THE CHAIRMAN: Is it the case, Mr. Ward,
10 that whenever you do put in a mitigative or
11 preventative measure, as part of the guidelines, you
12 are working towards the worst-case scenario of the
13 various activities you are looking at?

14 MR. WARD: Exactly, mm-hmm.

15 THE CHAIRMAN: And, therefore, you
16 automatically catch the less than worst-case scenarios?

17 MR. WARD: Right.

18 MR. HANNA: Q. What do you mean by
19 worst-case in that situation, Mr. Ward?

20 MR. WARD: A. Well, just the example I
21 gave, for example, that maybe some forms of
22 scarification that may generate -- cause more sediment,
23 like erosion and resulting sedimentation in a water
24 body than, for example, harvesting; if you harvest and
25 you leave the duff layer in tact and that type of

1 thing.

2 Q. Okay. But that's the worst-case in
3 terms of the activity? Are you talking about worst
4 case in terms of soil type, sediment delivery ratios,
5 slopes, you take the worst of all of those?

6 A. Well, certainly our guidelines
7 address the concern with slopes. So that, you know,
8 you have more of a reserve the steeper the slope. We
9 haven't -- you know, we acknowledge the fact that there
10 is different erodible type soils and that if you can --
11 some soils are more erodible than others and,
12 therefore, in a situation where you want to protect
13 critical fish habitat from sediment you are going to be
14 more cautious I believe in applying the guidelines when
15 you have those erodible soils than in cases where you
16 may not.

17 Q. But back to the Chairman's question,
18 are you saying you have taken the most erodible soils
19 in developing those guidelines?

20 A. Yes, I think, because we don't really
21 go out, you know, and the districts apply the
22 guidelines. We don't really look at doing soil surveys
23 and that type of thing. The information is basically
24 just slope and we assume it's erodible soil and,
25 therefore, we are going to have the reserve width based

1 on slope.

2 Q. Now, my understanding is that the
3 guidelines in fact that's referred to in your letter
4 were developed primarily on Trimble and Sartz work in
5 1957; is that not correct?

6 MS. BLASTORAH: Mr. Chairman, I'm sorry
7 to interrupt, but I am just wondering if we are
8 eventually going to get to something to do with roads.
9 We have been through the development of the fish
10 guidelines in extensive detail through a number of the
11 panels, and I hate to interrupt Mr. Hanna again, but I
12 think we have been through a lot of this material
13 before and certainly if he has specific questions in
14 relation to roads, I have no problem with that, but I
15 am just wondering if we could maybe get to that now.

16 MR. HANNA: Mr. Chairman, I am trying to
17 deal with the impacts of roads; I would also raise
18 another - and I think the questions are quite relevant
19 to that - I would also raise a point and; that is, Mr.
20 Ward was not here when the guidelines were discussed
21 and I intentionally held these questions because I felt
22 it was much better to talk about his article, the
23 author, when the author was here rather than try and
24 ask someone else what their interpretation is of
25 someone else's article.

1 MS. BLASTORAH: Well, Mr. Chairman, as we
2 already pointed out, Mr. Ward was here in Panel 7 and
3 the Fish Habitat Guidelines were discussed at that time
4 as was this article.

5 Now, granted it was by Mr. Williams and
6 Mr. Hanna has indicated he reviewed the transcript.
7 So, again, with regard to those general questions, I
8 think both the guidelines and the article have been
9 discussed by Mr. Ward and subsequently by Dr. Allin.

10 MR. HANNA: Mr. Chairman, I can tell you
11 that my client is trying to avoid to the highest extent
12 any redundancy in this hearing and trying to expedite
13 to the greatest extent possible.

14 In that spirit I went through the
15 transcripts carefully to ensure that none of the
16 questions I am asking are redunant with any of the
17 questions that have been asked of Mr. Ward or other
18 members of the proponent's case prior to this time, and
19 I have intentionally done this because I felt this
20 witness was the person who would give us the most
21 direct and straightforward answer, and I would submit,
22 as I think I have already shown, that this article
23 deals not only with timber harvesting in a general way
24 but in a very specific way with water crossing and
25 logging roads.

1 THE CHAIRMAN: Well, let's
2 with a few more questions in this area

3 I think we will probably e
4 more time arguing about whether or not yo
5 asking the questions than hearing the que
6 eliciting the answers.

7 So let's move along and I
8 solve any problem that Ms. Blastorah mig
9 get the answers, even if some of them are
10 repetitious. They may not be.

11 MR. HANNA: Q. I was deali
12 Trimble and Sartz, Mr. Ward.

13 MR. WARD: A. Mm-hmm.

14 Q. Is it not true that Tr
15 was one of the primary bases for deciding
16 of the buffer zones in the Fish Habitat

17 A. That is true, mm-hmm.

18 Q. Can you tell me the soil
19 was present in Trimble and Sartz' study

20 A. I don't know it off the
21 head, no.

22 Q. So you don't know what
23 worst case possible in terms of soil type

24 A. That's true. But, ag
25 the main author of the guidelines either

1 the main author for that.

2 I think in terms of the guidelines as
3 well that the more conservative width of reserve -- in
4 Trimble and Sartz, I think he talked about a municipal
5 watershed which is more concerned with water quality
6 and he had another category - I forget what he called
7 it - but I believe that Dr. Allin -- that we took the
8 more conservative measurement for slope to make sure
9 that we would trap most of the sediment or all of the
10 sediment in that standing timber or that vegetation.

11 I would have to double check and go back
12 for the years as we evolved. The first draft of the
13 guidelines came out in 1981, we've had many drafts
14 since then and much discussion, comment over that time.

15 MR. HANNA: Mr. Chairman, it might be an
16 appropriate time to break. I still have some questions
17 for Mr. Ward, but I think I can be much more efficient
18 in the use of my time if I spend some time this evening
19 in...

20 THE CHAIRMAN: Very well. Would a nine
21 o'clock start accommodate you for around one?

22 MR. HANNA: Oh. I thought you said round
23 1. I'm sorry. Yes, Mr. Chairman, that would
24 accommodate me to complete by one o'clock.

25 MS. BLASTORAH: I think that is round 2.

1 THE CHAIRMAN: Okay. We will adjourn
2 until nine clock tomorrow morning.

3 ---Whereupon the hearing adjourned at 5:30 a.m., to be
4 reconvened on Tuesday, September 12th, 1989,
5 commencing at 9:00 a.m.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

